Solicitors' Journal.

LONDON, OCTOBER 9, 1880.

CONTENTS.

CURRENT TOPICS.

THE ADDRESS of the president of the Incorporated Law Society appears to us to be, without any exception, the best that has yet been delivered at any provincial meeting of the society. It is fresh and interesting, well expressed, and lucidly arranged; and—what is of infinitely more importance—it is pervaded by the highest moral tone. There have always been a large number of men in the profession who have acted on the principles set forth by the president, but would they fifty years ago have ventured to propound them at a meeting of solicitors as the most obvious rules of action for the profession in general? We cannot help thinking that a striking testimony is borne to the advance of the tone of the profession when the president of the Incorporated Law Society, amid the strongly-marked approbation of his hearers, says that one clear duty of the solicitor is to discourage litigation, and that the solicitor of the highest standing will be he who has the least to do with litigation, and whose cases, where actions are necessary, are actions for enforcing just rights and establishing doubtful points of important law. The historians of this century will have to trace two remarkable movements: one, the rapid advance in the education, *status*, and standard of honour of solicitors; the other, we fear we must say, some decline in the standard of honour in some portions of the bar. It is as well to speak plainly on a matter which is one of no small importance to the community; and, therefore, we should like to ask how it is we hear so much more frequently than formerly the question put with reference to barristers in large practice—"Is he a gentleman?" Competition is perhaps keener than it was, and the decline of circuit life has something to do with the removal of restrictions; but how is it that according to the evidence before one of the Election Commissions, it seems to have been contemplated in certain events to get a barrister to make a false statement before the judges in order to obtain the withdrawal of an election petition? It is true that the witness said he "did not think" he would have been able to induce any counsel to make such a statement; but if the honour of the bar were such as it ought to be, such a thing would not have been dreamt of as a possibility.

THE PROGRESS of the various election commissions illustrates the wide extent of the powers conferred upon the commissioners by the 15 & 16 Vict. c. 57, which practically renders them independent of the various maxims of the law of evidence. At Canterbury a solicitor who gave evidence raised the point of privilege upon a question tending to implicate one of his clients, but the commissioners overruled the objection. Mr. Merewether, in opening the commission at Macclesfield, laid down the broad rule that, in such inquiries, there can be no such thing as privilege! Section 6 of the Act directs the commissioners to inquire "by all such lawful means as to them shall seem best with a view to the discovery of the truth" as to the matters which have been reported to the House. Section 7 empowers them, by summons, to require the attendance of any person whose evidence is, in their judgment, material to the subject-matter of the inquiry, "and to require all persons to bring before them such books, papers, deeds, and writings as to such commissioners appear necessary for arriving at the truth, all which persons *shall attend*, and *shall answer* all questions put to them, and *shall produce* all books, papers, deeds, and writings required of them, and in their custody or under their control, according to the tenor of the summons." Under this section there is nothing to prevent the production before the Oxford Commissioners of a copy of the letter to the Public Orator which has caused so much discussion. By section 9 the witnesses can be (and in most cases they are) compelled to criminate themselves, but are to be indemnified from all civil and criminal proceedings in respect of the corrupt practices disclosed by them on receipt of a certificate from the commissioners, which (by section 10) is not to be given unless the witness shall have made a true disclosure touching all things as to which he was examined. By section 12 the non-attendance of a witness is punishable in the same way as disobedience to an ordinary *subpœna*, and the same section gives the commissioners all the powers of a judge of the Supreme Court in the event of a witness refusing to be sworn, or to answer questions, or to produce documents which are in his control, and the production of which the commissioners deem necessary, or in the event of *any person* being "guilty of any contempt of the said commissioners or their office." The nearest approach we can think of to the powers of the commissioners are those of a Turkish Cadi.

THE LITTLE STATUTE of last session entitled an Act to render valid certain Orders in Bastardy (43 & 44 Vict. c. 31) was passed in order to remedy a curious difficulty which arose under the Bastardy Laws Amendment Act, 1872 (35 & 36 Vict. c. 65), in the recent case of *Reg.* v. *Padbury* (28 W. R. 182, L. R. 5 Q. B. D. 127.) The Poor Law Amendment Act, 1844 (7 & 8 Vict. c. 101), provided for the making of an order of affiliation against the father of a bastard child, but did not specify the objects of the payments to be made by him. The Bastardy Act, 1845 (8 & 9 Vict. c. 10), provided, by section 1, that proceedings in matters of bastardy had or taken under the provisions of the preceding Act should be valid and "sufficient in law," if set forth according to the form in the schedule to the Act. The Act of 1872 repealed parts of the Act of 1844, but did not affect the schedule to the Act of 1845; and section 4 empowered justices to make an order upon the putative father for payment of not more than 5s. a week "for the maintenance and education of the child." In the recent case in the Queen's Bench Division, an order had been made under the last Act, but it was in the form given in the schedule to the Act of 1845, and did not provide for the application of the money by the mother of the child. Cockburn, C.J., and Manisty, J., held that the order was bad for not specifically providing "for the maintenance and education of the child." The new statute

provides, by section 1, that an order made under the Bastardy Laws Amendment Act, 1872, or the Bastardy Laws Amendment Act, 1873, "before the passing of this Act," is not to be invalid "by reason of the omission from such order of the words 'for the maintenance and education of the said child,' or words to the like tenor or effect."

It is interesting to find that the requirements of legal business leave time for so many of our judges to devote themselves to periodical literature. We referred last week to the contribution of the Lord Chief Justice in the *Nineteenth Century* for the present month. The *Contemporary Review* has a contribution on "Materialism and Theology" by Mr. Justice Fry, who has also written several articles on the Opium Trade. Mr. Justice Stephen has been a frequent contributor to magazines and reviews; while Lord Coleridge is understood to have often written for the *Edinburgh Review*. Judicial authorship is no novelty, for Lord Brougham, even when on the woolsack, wrote many articles for the latter publication; and Lord Campbell (in addition to his Lives of the Chancellors and Chief Justices) published a pamphlet on "Shakespeare's Legal Acqirements." The late Sir John Coleridge issued a Life of Keble; and more recently Sir John Byles has published "The Foundation of Religion in the Mind and Heart of Man." Among judges now on the bench, the Lord Chancellor has compiled a collection of hymns; Mr. Justice Denman has written a Greek translation of Gray's Elegy, and Sir Robert Collier an English translation of Demosthenes de Coronâ. The scientific works of Mr. Justice Grove are widely known, and Mr. Justice Stephen has published two collections of essays.

There has been a good deal of correspondence in the *Times* this week suggesting the employment of women as law copyists; but, with every wish to open up new means of employment for women, we fear this is great nonsense. Law copyists have to work long hours under great pressure, and to work hard to get the barest subsistence, and law stationers will never be persuaded that a woman can work as hard or as long as a man. Nor is their handwriting such as can readily be adapted to the work. It is stated that an apprenticeship of five years is needed to train boys to become efficient copyists, and the number of writers who can get employment is very limited. We do not see why these poor people should be thrown out of work to provide for female copyists.

THE DECISION IN SAFFRON WALDEN BUILDING SOCIETY *v.* RAYNER.

Mr. Cleaver's well-timed and admirable paper, read at the Sheffield meeting of the Incorporated Law Society, deals with the practical results of this decision; and, as the conclusions of a solicitor of eminence and long experience, deserves the careful attention of the profession. He confirms the opinion we expressed when the decision was reported as to the commonness of the practice which the Court of Appeal at Lincoln's-inn condemned. That court has on several occasions shown a tendency to decide cases without much regard to the practical effect of the doctrines laid down on the usage and general understanding of the profession. We pointed out, as soon as the decision in *Saffron Walden Building Society* v. *Rayner* (28 W. R. 681) was reported, that the previous decision in *Rickards* v. *Gledstanes* (3 Giff. 298), that notice of the assignment of a reversionary interest in a trust fund given to the solicitor of the trustees of the fund was notice to the trustees, so as to take it out of the order and disposition of the assignor, had quite naturally led text-book writers of such eminence as the late Mr. Lewin and Mr. Fisher to state that notice of an incumbrance may be given either to trustees or to their solicitor, and that notice to the solicitor of trustees will bind them. And Mr. Cleaver now tells us that "the facts of the case disclose an instance of what, as regards the action of the plaintiffs and the solicitors to the trustees, is surely a matter of constant occurrence in the profession. According to common knowledge and reputation, a respectable firm of solicitors act in the business of a particular trust. They are known to have acted for the testator, to have proved the will, to have invested money for the trustees, and received and paid over the interest on such investments, and, further, to have acted for the trustees in a chancery suit, to which the testator was a party. An intending incumbrancer of a share in the estate applies to them for information, and in their reply they state: 'We are solicitors for the trustees of the late John Hardy,' a statement which seems to have been very well founded, and to savour nothing of misrepresentation. The incumbrancer was content, under the circumstances, to serve notice of his charge on the solicitors for the trustees, as (James, L.J., to the contrary notwithstanding) we must continue to call them, and it is apprehended that nine practitioners out of ten would have been content to do likewise." The experience of our readers will, we doubt not, bear out this statement, and we cannot help thinking that if the Court of Appeal had been aware of the extent to which the practice they reprobated has been carried, they would have hesitated to lay down the doctrine which has occasioned so much discussion. It would have been sufficient for the decision of the case to hold that a mere verbal communication of a notice of an incumbrance, made in the course of a different transaction, and not giving an intelligent apprehension of the fact, is not a good notice.

The important question, however, is what is the practical effect of the decision, and what course should be adopted by solicitors in view of it? As to the former point, it is clear, as we remarked when the report of the case appeared, that for the future the only cases in which notice of an incumbrance can be effectually given to a solicitor on behalf of trustees is where the solicitor has been constituted the agent of the trustees to receive notice of incumbrances. He may be so constituted either expressly, or impliedly by his employment by the trustees to distribute the trust fund. As to the practical course to be taken, we have already given reasons for thinking that, to insure their validity, notices of incumbrances will have henceforth to be served on all the trustees. No prudent solicitor will trust to implication, and express authority will hardly ever be given by trustees to a solicitor to receive notice of incumbrances. Mr. Cleaver does not advert to the point, but it may be doubted whether trustees would be justified, as between themselves and their *cestui que trust*, in giving such an authority. The trustee, it has often been laid down, is not entitled to employ a solicitor in matters which need no legal training or knowledge to transact. He is not justified in unnecessarily acting by the hand of another. If express authority is not given to the solicitor to receive the notices, then, as Mr. Cleaver says, the incumbrancer must be in a position to show "that the mind of the trustee has in some way been brought to an intelligent apprehension of the nature of the incumbrance which has come upon the property, so that a reasonable man, or an ordinary man of business, would act upon the information and would regulate his conduct by it in the execution of the trust" (*per* Lord Cairns, L.C., *Lloyd* v. *Banks*, L. R. 3 Ch. 488). Hence it would seem that *personal service* of notices on all the trustees of the property affected must henceforth be the rule.

The solicitor who has properly understood the effect of the recent decision will be readily able to save himself from responsibility. He will offer to act as the agent of the incumbrancer to effect personal service on the trustees. But what will the incumbrancer say to the

payment of the proper charges for this service? What will the trustees say to the trouble of being formally served with frequent notices of incumbrances?

THE TRUSTEE'S SOLICITOR.

I.

The Master of the Rolls said, not long ago, that the principle that a trustee shall not make any profit from his office is rigidly enforced by the court, and the principle that while a trustee acts in the due discharge of his duty he is to be indemnified against all loss ought to be enforced with equal strictness (*Walters* v. *Woodbridge*, 26 W. R. 469, L. R. 7 Ch. D. 510). Lord Cottenham was not less strenuous in asserting the right of the trustee to be repaid his proper outlay. The first object of a trust, be declared, is to indemnify those who administer it against any costs properly incurred in its administration, and trustees are entitled, without any express provision for the purpose, to make the payments required to meet the necessary expenses incurred in the execution of the trust out of the funds in their hands belonging to the trust (see *Heriot's Hospital* v. *Ross*, 12 Cl. & F. 515; *Attorney-General* v. *Mayor of Norwich*, 2 My. & Cr. 424). The principle is clear enough, but its application is attended with considerable difficulty. What are costs properly incurred and necessary expenses in the execution of the trust? When may the trustee's solicitor advise his client that he may safely incur legal and other expenses on behalf of the trust? We cannot pretend to supply anything like a complete answer to these questions, but it may be useful to notice the principles which have been laid down in the numerous cases on this subject.

In the first place, it is of course clearly settled that, although a trustee, being himself a solicitor, and transacting the legal business of the trust, will not (in the absence of express authority in the instrument creating the trust, or of a bargain made before the acceptance of the office) be allowed to charge for his services, he may appoint another solicitor to transact such business, who will be entitled to make the usual legal charges (*Macnamara* v. *Jones*, 2 Dick. 587: see *Stanes* v. *Parker*, 9 Beav., at p. 389). That is to say, the trustee is not bound to afford the *cestui que trust* gratuitous legal assistance. But in saying that the trustee may appoint a solicitor it is not to be understood that he can make him the solicitor of the trust estate in the sense of making the trust estate his client. The client of the solicitor is the trustee, and his claim for costs will be against the trustee personally, and not against the trust estate (*Worrall* v. *Harford*, 8 Ves. 1, 8). The trustee employs and pays his solicitor, and then has to see whether he can get the amount he has paid allowed out of the trust funds. No principle is more clearly settled than that a trustee will not be allowed without question whatever sum he thinks fit to pay to his solicitor. If he chooses to pay the solicitor's bill without taxation, and afterwards goes to his *cestui que trust* and says, "I have allowed so much for costs; now pay me," by the established rules of the court the *cestui que trust* is entitled to have the reasonableness and propriety of the charges in the bill ascertained (see the remarks of Sugden, L.C., Ir., in *Langford* v. *Mahony*, 2 Con. & L. at p. 327). The steps which he may take for this purpose we shall hereafter consider.

The class of business which a trustee or executor may safely employ a solicitor to transact is ascertained by the general rule that a trustee or executor is not allowed to employ an agent to perform duties which by accepting his office he has taken upon himself (*Weiss* v. *Dill*, 3 My. & K., at p. 27). Speaking generally, therefore, a trustee or executor is not, in strictness, justified in leaving the whole conduct of the trust or executorship in the hands of a solicitor. He may resort to the solicitor for professional advice on legal questions arising in the business of the trust, but he is not justified in employing the solicitor to transact non-legal business. For instance, an executor will not be allowed the fees of a solicitor for attending to pay premiums on policies, or attending at the bank to make transfers, or for attendances on proctors, auctioneers, legatees, and creditors (*Harben* v. *Darby* (No. 1), 28 Beav. 325). In this case the solicitor who made the charges was an executor entitled under the will to charge for his professional services, but it is apprehended that the principle is generally applicable. If necessary for the due execution of the trust, the trustee or executor will be allowed the costs of taking the opinion of counsel (*Fearns* v. *Young*, 10 Ves. 184; *Poole* v. *Pass*, 1 Beav., at p. 605). "Where a trustee," said Lord Eldon in the former case, "in the fair execution of his trust has expended money by reasonably and properly taking opinions and procuring directions that are necessary for the due execution of his trust, he is entitled, not only to his costs, but also to his charges and expenses, under the head of just allowances."

It is of course a necessary condition of reimbursement that these costs should have been properly incurred. Thus, where trustees for sale attempted a sale at a time when they were not authorized to sell the property, they were held not to have any lien for the costs of the abortive sale, or of proceedings taken against them by a purchaser in reference thereto (*Leedham* v. *Chawner*, 4 K. & J. 458). In this case the sale had been attempted by the direction of all the persons beneficially interested, some of whom, however, being married women, with their shares settled to their separate use without power of anticipation, were unable effectually to direct a sale. These ladies, Vice-Chancellor Wood observed, had "taken advantage of that facility which trustees so often exhibit in consenting, at the solicitation of their *cestuis que trust*, to do acts which the latter have no power to authorize, notwithstanding the certainty that if there be the slightest irregularity in the acts so done upon such solicitation, the very persons who have led them astray will be the first to turn against them and indemnify themselves at their expense."

Where an action is brought against a trustee in respect of the trust estate, whether it be an action of ejectment, trespass, or of any other description, and it is defended by the trustee, not for his own benefit, but for the benefit of the trust estate, he is entitled (in the absence of misconduct on his part) to indemnity (*Walters* v. *Woodbridge*, 26 W. R., at p. 470, L. R. 7 Ch. D., at p. 509). The fact that in defending the action the trustee also defends his own character will not make the defence less a defence of the trust estate; it is impossible to split the defence and say that because the trustee at the same time defended his own character, he is only to have a part of the costs (*Ib.*). A trustee or executor who is ordered to pay costs in an action relating to the trust estate, which he has defended, is entitled to recover from the estate which he has defended, not only the costs which he has incurred to the adversary, but also the costs which he has paid to his own solicitor (*Lovat* v. *Fraser*, L. R. 1 Sc., at p. 37: see also *Ramsden* v. *Langley*, 2 Vern. 536, as to a mortgagee).

With regard to litigation undertaken by a trustee as plaintiff on behalf of the trust estate, there is some authority for the proposition that a trustee, before undertaking an action for the benefit of the *cestuis que trust* ought to ask them to sanction it (see *Peers* v. *Ceeley*, 15 Beav., at p. 211, as to a mortgagee). On the other hand, it has been said in an Irish case, that if the *cestuis que trust* disapprove of litigation undertaken by the trustee they ought to inform him of their disapproval. If, instead of doing so, they allow the matter to proceed, and lead the trustee plaintiff to suppose that they do not disapprove of what he is doing, they cannot afterwards turn round on the trustee, who was acting *bonâ fide* for their interest, and repudiate all liability to costs (*Courtney* v. *Rumley*, L. R. 6 Eq., at p. 112).

The mere fact of the trustee having been unsuccessful in litigation, either as plaintiff or defendant, will not, in the absence of misconduct, disentitle him to be reimbursed his costs (I. R. 6 Eq., at p. 106). The question to be considered is, was the litigation reasonable and *bonâ fide* undertaken for the interest of the trust estate? If not, or if it was rendered necessary by the negligence or misconduct of the trustee, he will not be allowed his costs (see *Caffrey* v. *Darby*, 6 Ves., at p. 497; *Courtney* v. *Rumley*, I. R. 6 Eq., at p. 106).

We have now to consider the remedies of the *cestui que trust* who complains of the amount of the bill of the trustee's solicitor. If the trustee chooses to have the bill taxed before paying it, he can thereby, of course, bind the *cestui que trust* as regards the reasonableness and propriety of the items (*Langford* v. *Mahony*, 2 Con. & L., at p. 327). But if the trustee chooses to pay his solicitor's bill without taxation, the *cestui que trust* has

(1) A right to have the solicitor's bill referred, not to be taxed, but moderated; and on that reference the taxing master will revise the items in a way similar to taxation, and if not proper, will disallow them to the trustee, and he may get back these sums from the solicitor as he can (see the remarks of Sugden, L.C., Ir., in *Langford* v. *Mahony*, 2 Con. & L., at p. 327; *Johnson* v. *Telford*, 3 Russ. 478). In more recent times, the reference to the taxing master has taken the form of an inquiry, on the application of the persons beneficially interested, to ascertain whether, as regards any particular items which may be complained of, the bill which the trustee has paid his solicitor is a fair and proper bill or not (see *Allen* v. *Jarvis*, L. R. 4 Ch. 616, 621).

Or (2) the *cestui que trust* may avail himself of the provision in the Solicitors Act (6 & 7 Vict. c. 73, s. 39), that "it shall be lawful in any case in which a trustee, executor, or administrator, has become chargeable with any bill as aforesaid, for the Lord High Chancellor or the Master of the Rolls, if in his discretion he shall think fit, upon the application of a party interested in the property out of which such trustee, executor, or administrator may have paid, or be entitled to pay, such bill, to refer the same, and such solicitor's, or executor's, or administrator's, or assignee's demand thereupon, to be taxed and settled by the proper officer of the High Court of Chancery, with such directions and subject to such conditions as such judge shall think fit, and to make such order as such judge shall think fit, for the payment of what may be found due, and of the costs of such reference, to or by such solicitor, or the executor, administrator, or assignee of such solicitor, by or to the party making such application, having regard to the provisions herein contained relative to applications for the like purpose by the party chargeable with such bill, so far as the same shall be applicable to such cases; and in exercising such discretion as aforesaid, the said judge may take into consideration the extent and nature of the interest of the party making the application." It will be observed that there is no mention in this section of "special circumstances" as necessary to enable the court to order taxation after payment of the bill; and it was said by the late Master of the Rolls that a taxation is almost a matter of course, assuming that items of overcharge are proved, and it is not necessary that the overcharges should be such as to amount to fraud (*In re Drake*, 22 Beav., at p. 443: see *In re Blackmore*, 13 Beav., at p. 161). On the other hand, Lord Justice Turner laid it down that, under the section, special circumstances would have to be shown in order to justify the order for taxation of a bill paid by trustees or executors. There must be either pressure or overcharge amounting to fraud. It seems that if the bill contains charges which no solicitor, dealing properly with his client, would have made, this has always been considered to be fraud within the meaning of the cases on this subject (*Ex parte Dickson*, 8 D. M. & G., at pp. 660, 661).

General Correspondence.

THE HACKNEY CARRIAGE ACTS.

[*To the Editor of the Solicitors' Journal.*]

Sir,—In a case, reported in the *Times* of the 29th ultimo, before the magistrate of the Westminster Police court, the magistrate decided, in conformity with *Case* v. *Storey* (17 W. R. 802, L. R. 4 Ex. 319), that a cabman plying for hire at the Victoria Railway Station was not subject to a penalty for refusing to be hired.

In 13 SOLICITORS' JOURNAL, 1003, commenting on *Case* v. *Storey*, you expressed dissatisfaction with the state of things revealed by it.

It would seem from *Skinner* v. *Usher* (20 W. R. 659, L. R. 7 Q. B. 423), which did not, however, turn on this question, that *Case* v. *Storey* was regarded as still law, notwithstanding the later Hackney Carriage Act (32 & 33 Vict. c. 115). But it may be worth while to consider whether this is a sound view. To arrive at a satisfactory result on this question it is necessary to go into the matter in some detail.

In *Case* v. *Storey*, which arose on a case stated by a metropolitan police magistrate, on a complaint preferred by appellant against respondent, the driver of a cab, for having, at the Great Northern Railway Station, refused to drive to a certain place, within six miles, to which he was required to drive the appellant, the question was treated by the court as resting on the proper construction of 1 & 2 Will. 4, c. 22, s. 35, which enacts that "every hackney carriage standing in any street or place, and having thereon any of the numbered plates required by this Act, ... shall, unless actually hired, be deemed to be plying for hire; . . . . . and the driver of every such hackney carriage which is not actually hired, shall be compellable to go with any person desirous of hiring such hackney carriage," and subjects the driver to a penalty for refusal; and the late Lord Chief Baron considered, first, that the carriage was not "plying for hire"; and, secondly, reading the expression, "in any street or place," as controlled by the language used in the definition of a hackney carriage in section 4 of the same Act, which defines it as a carriage "used for the purpose of standing or plying for hire in any public street or road," he considered the expression in section 35 as not applicable to the premises of a railway company. Lord Justice Bramwell (then Baron Bramwell) considered that the section could be meant to apply only to a place to which the public have right of access.

I now come to 32 & 33 Vict. c. 115. This Act (with the order of the Secretary of State under it) is now the principal Act regulating hackney carriages in the metropolis. Section 4 defines "hackney carriage" to mean "any carriage for the conveyance of passengers which plies for hire within the limits of this Act, and is not a stage carriage." Section 7 enacts that "if any unlicensed hackney . . . carriage plies for hire, the owner of such carriage shall be liable to a penalty," &c.; and section 15 enacts that "all the provisions of the Acts relating to hackney carriages . . . in force at the time of the commencement of this Act, shall, subject to any alteration made therein by this Act, or by any order or regulation of the said Secretary of State made in pursuance of this Act, continue in force, and all such provisions of the said Acts as relate to licences granted under those Acts, or any of them, shall, subject to any alteration as aforesaid, apply to licences granted under this Act."

Clarke v. *Stanford* (19 W. R. 846, L. R. 6 Q. B. 357) decided that section 7 of 32 & 33 Vict. c. 115 applied to an unlicensed brougham or fly waiting for hire on the premises of a railway company. This case was followed, apparently with reluctance, in *Allen* v. *Tunbridge* (19 W. R. 849, L. R. 6 C. P. 481).

We have, then, two clear decisions that carriages can

"*ply for hire*" at a railway station. Thus one of the grounds of the decision in *Case* v. *Storey* is got rid of.

It remains to say a few words upon the meaning put by the court in that case on the expression in section 35 of 1 & 2 Will. 4, c. 22, "standing in any street or place"; 32 & 33 Vict. c. 115 being, as above noticed, the principal Act now regulating hackney carriages, the older Acts would probably be at an end were they not made applicable by section 15 of that Act. That part of section 4 of the Act of Will. 4, on which so much stress was put by the court in *Case* v. *Storey*, which defines hackney carriage, can be no longer in force, the existing definition of a hackney carriage being in the enactment above-mentioned of 32 & 33 Vict. c. 115; and it seems to me, therefore, that, reading section 35 of the Act of Will. 4 as it applies to the latest Act, the expression "standing in any street or place" ought to have its natural meaning; and the word *place*, looked at in this view, seems to me as unrestricted a word as could well be used, and to apply to any place (*e.g.*, a railway station) in which it would be unlawful for an unlicensed carriage to ply for hire.

It seems right to say a word or two with reference to *Skinner* v. *Usher*, above referred to. It was decided in that case that 6 & 7 Vict. c. 86, s. 33, imposing a penalty on the driver of a hackney carriage plying for hire "elsewhere than at some standing or place appointed for that purpose," meant some public street or place, not any private ground (such as a railway station). In that case the definition of hackney carriage contained in the last-mentioned Act which (section 2) defines hackney carriage to include "every carriage . . . which shall stand on hire or ply for a passenger for hire at any place," &c., was read by the court as having the same meaning, within the extended limits there mentioned, as the words used in the 4th section of the Act of Will. 4, and conseqently as meaning "any public street or road at any place" within the extended area mentioned in the later Act. The court was pressed with the case of *Clarke* v. *Stanford* as an authority against this construction, and was content to say, "That case is quite consistent with our present decision, and was quite right on the construction of the Act there in question."

The result arrived at in the last-mentioned case, it will probably be thought, was satisfactory; but I certainly am not quite clear that the mode in which it was reached was equally so. Although that decision is in the direction, perhaps, of supporting *Case* v. *Storey*, I do not see that this is a sufficient reason for considering *Skinner* v. *Usher* as in any way conclusive as to the authority of *Case* v. *Storey*.

Before parting with this letter, I would just observe that I am at some loss to see why in *Case* v. *Storey* the court quite passed over, without mention, 16 & 17 Vict. c. 33, ss. 7, 17—see particularly in the second paragraph of section 17 the words "or intending to hire such carriage." This is the more remarkable, because the complaint in that case seems to have been framed on section 7 of that Act.

Temple, October. A. J. Wood.

The Commissioners of the Board of Works have removed the offices of the Director of Public Prosecutions from Craig's-court, Charing-cross, to 4, New-street, Spring-gardens.

A special sessions of the Sheffield licensing justices was held on Tuesday to consider the decisions arrived at by the Licensing Committee at the several sittings they have recently held. At one sitting the magistrates present had granted wine licences to several beerhouses, and the confirming justices now refused to indorse those decisions. The solicitor who appeared for the applicants contended that the duties of that court were merely ministerial, and that they had no power to reverse the decisions arrived at by the committee. The justices ruled that they had the power to practically rehear the applications, and adjourned the court for the production of further evidence in support of them.

INCORPORATED LAW SOCIETY.

ANNUAL PROVINCIAL MEETING.

The seventh annual provincial meeting of the Incorporated Law Society was held at the Cutlers' Hall, Sheffield, on Wednesday and Thursday, the 6th and 7th inst. The visitors were officially welcomed to the town by the mayor (Alderman Tozer) and the master cutler (W. Chesterman, Esq.), who wore their chains of office.

THE PRESIDENT'S ADDRESS.

The President (Mr. Clabon), who was loudly applauded on taking the chair, then proceeded to deliver the opening address. He said:—

Gentlemen,—A practice of forty-three years, of a varied kind, in country and in London, has led me to, and maintained me in, the belief that we occupy a high position among our fellow-men in every point of view. Their property, their honour, their character, is constantly placed, to a great extent, in our hands. We are the depositaries of family secrets; we are consulted in the most delicate affairs, into many of which law hardly enters. To our discretion, to our uprightness, to our honour, clients submit themselves, without doubt. Ours is the direct contact with them. It is to us that they look for help at the moment when something of pressing importance has occurred relating to their property, or their families, or themselves. I say, because I know, that, speaking generally, we are worthy of the confidence placed in us. There are exceptions; but they are few, and serve to prove the truth. The great body of solicitors are men of high honour and honesty, anxious to do and doing unselfish duty to those for whom they act. Gentlemen, we have ourselves, since the institution of this society some fifty years ago, striven most strenuously for the improvement of our branch of the profession. The tone of our proceedings for our clients is higher than it was of old. In tracing the path of the student to his admission, and of the solicitor when admitted, I shall endeavour to make observations and give hints which may tend to further and still further improvement. Let me address a few words to solicitors, as to their duty to their articled clerks. I fear that this is not sufficiently thought of or attended to. The clerk is but too often turned adrift into the office, allowed to keep his own hours, to read and work as much or as little as he pleases. So that with every opportunity of learning, if he does so please, he but too often arrives at the end of the term with but a smattering of knowledge, and is obliged to resort to a crammer to gain the information necessary for a pass. As to tuition, in theory I hold that the solicitor ought to direct the reading of the clerk; to provide him proper books in due succession; to see that he reads enough every day to insure his reading the whole in time, and reads the most useful of them twice at least; to counsel him to make notes as he goes on; and to see that he has a sufficient time at the end of his articles, which should be three months at the least, to pass in review all that he has read. My own plan was, in reading the very useful books the first time, to set down questions on the left side of a notebook, and on the second reading to write the answer opposite the question on the right side. These questions and answers formed the principal subject of study during the period of review. As to quantity, the student should read at least twenty pages every day. Having adverted to the mode of study in my own case, I must add that I do not remember to have heard of crammers in those days. The system of cramming is a baneful one, not so much in itself, but because it leads the articled clerk to depend on it, and to be lazy during his articles, thus acquiring bad habits. I assert, most emphatically, that no student who has read properly the common treatises, and attended diligently to the work of an ordinary office, ought to require help

from a crammer, whether he goes in for a pass only, or for honours.

As to tuition in practice, the master should, by himself or his managing clerks, take care that the student sees something of every kind of practice, drafting and copying deeds and wills, attending at the offices and chambers, and in court, reading the letters, bill books and ledgers, and making himself acquainted with everything that goes on in the office. If the articled clerk is wise he will not disdain to copy; he will thus imprint the forms of deeds on his memory, and become more habituated to work generally; and he should not, as many seem to do, associate gentility with bad writing. To write a good hand—nay, a clerk-like hand—will be found useful at all times, and especially when documents have to be framed for signature in a hurry. But there is more than all this. The articled clerk is to be educated into being an honest man. He should be taught, and should learn from the practice of the office, that when a solicitor receives other people's money, he is to keep it sacred, and that the best way to do this is not to mix it with his own. He should be taught that the solicitor ought not to have any source of profit than that known to and approved by his client. He should be taught that promoters and directors, in dealing with their shareholders and the public, must have no secret reserve of profits for themselves, and that the solicitor acting for the company has a duty to the shareholder as well as to the director. He should, in fine, be taught that a solicitor must do nothing which he would fear to reveal to his client or to the world, and that it is the line of the highest morality which best marks the line of duty. There are those who desire to lessen the period of service under articles. The five years is limited to three or four on the assumption that the graduate or classman is fitted, by his superior education, to learn all that is necessary in the shorter period. This may possibly be so as to the theory of law; I doubt whether it is so as to its practice. There is so much to learn in the latter that it can hardly be learned properly in the shortened period. I do not go so far as to advocate the return to a five years' service in all cases; but I object to any further shortening of either of the periods now fixed. After referring to the proposed school of law or university the president came to the admitted solicitor. He will always be wise, if a partnership be not ready for him, to take a clerkship for some time, working under an experienced practitioner; and he had better think more about the character of the office, and the class of work he will see there, than about salary. It is better that a young man should gain experience in a good office than that he should go to the chambers of a conveyancer or pleader—for experience in practice will now stand him in much better stead than experience in theory. He wants to have his judgment exercised and his strength of mind increased, rather than to pass his time in framing answers to cases and drawing deeds and pleadings. He will have, by-and-by, to deal with clients of varying character and different standards of temper and morality, and in acting for them to deal with others possessing similar variations. The raw youth, fresh from his articles, is not fitted to be always a wise guide. He will learn wisdom by experience, as the work of an office surrounds him, and he is guided by the older lawyer at the head of it. And now, the young solicitor is to start for himself. It would be presumptuous in me, in the presence of so many who have had greater or equal experience than myself, to lay down rules for general guidance. We shall join in desiring to be ourselves, and to see every one of the 12,500 solicitors of England and Wales (not forgetting our fellows of Scotland and Ireland) upright, honest gentlemen—using the word in its truest and highest sense. Our duty to our clients is based on all that these words include. But you will not, I think, find fault with me if, in addressing you, and through you our members who are not here, and the rest of our body who ought to be members, I select instances from which definite rules of duty may be inferred, if not directly laid down, and by them the young practitioner at least, if not the older ones, may learn something—that something tending, I hope, to a higher line of duty, to a more strict construction of right, in practice.

The president then referred to particular classes of cases relating to joint-stock companies, simoniacal contracts, and elections, and continued:—Let me now make some observations of a more general character. It is our duty to give advice to our clients, having taken the best means to prepare ourselves to advise well; either by the exercise of our judgment, after full consideration, or by consulting law books, or obtaining the opinion of a barrister versed in the particular kind of law which is required. The advice is generally received as coming from one competent to give it, and we are instructed to act on it. But it may happen that the client doubts, and shows indisposition to be guided by our advice. Explanations will follow, and the solicitor will probably take increased pains to assure himself that he has been told or has learnt the whole story. Time will thus be occupied, in which the opinion may undergo change, and the advice be varied. But let it be assumed, after all, that the matured advice is still unacceptable to the client. It is, of course, for him or for her to decide what course is to be adopted. And if this course is opposed to the solicitor's advice, delicate and difficult questions will arise on his mind. Shall he carry out the instructions, which are contrary to his own views, with a protest, or shall he decline to act further in the matter? It is impossible to lay down any rule. The duty to the client must be considered as well as the duty to self. It may be consistent with duty to self to take the former course; it may be consistent with duty to the client to take the latter. But of this I am sure, that the higher we cause ourselves to stand in the estimation of the public, the more likely will it be that our clients will follow our advice—the less likely that we shall ever be placed in a position in which duty to ourselves forces us to consider whether we must cease to act for a client. It may sometimes happen that a client desires to do, and instructs his solicitor to carry out, something which is not consistent with what is morally right. A client may desire to make dispositions by will or otherwise of an unjust or cruel kind. A trustee may desire to abuse his trust. One in a position of authority or influence may desire to exercise it to the manifest prejudice of those whom it is his duty to protect. The first duty of the solicitor, in these and similar cases, will be, without fear of consequences, to set forth quietly the law, the duty, and the right—the conclusion showing clearly what is the wrong about to be committed. There will be many degrees of this wrong. Every variety of circumstance will surround the matter. Self-interest will call on a solicitor not to lose a client—perhaps a good one. He will be tempted to consider that, after remonstrance and advice, he may do as he is instructed. But if the client persist, and the wrong intended be clear, the solicitor must rise superior to all considerations of self-interest, and determine without fear to have nothing to do with what is contrary to right. One clear duty will be to discourage litigation. The client is generally more keen to begin an action than the solicitor. It is for the latter to represent the probable and possible results, to calm the excitement, to see that judgment predominates over feeling. The action for recovering a just debt or enforcing a just right, or for establishing doubtful points of important law, are on one side—the suing for doubtful damages, the raising of great issues, where the sum or point in dispute is trifling, are on the other. The solicitor of highest standing will be he who has least to do with litigation, and whose cases, where actions are necessary, are among the class first mentioned.

So much about duties. Let me now deal with some matters in which our *rights* require to be amended, and as to which the society now proposes to seek legislative

action, with a more determined effort than has hitherto been made.

The remuneration of solicitors imperatively demands reform. Why should we alone of all who labour for others be subject to a tribunal which is bound by an old scale of charge, fixed in times when money was more valuable, and when practitioners were of a lower class; and which scale the authorities say they have not power to change, though it would be nearer the truth to say that they could amend it but for their groundless fears. This tribunal would hardly have stood its ground but that it is necessary to have some authority to determine how much the litigant who is condemned in costs shall pay to his successful adversary, or how much shall be taken for costs out of a fund which is under administration. But as between the solicitor and his client, why should not he be placed in the same position as others who devote their time and their ability to the benefit of those who are to pay for it? The barrister, virtually, fixes his own fees. There is no irreversible, ancient, cheeseparing rule for the bills of the doctor, the surveyor, the accountant, the tradesman. These regulate their charges by the value of money at the time—by custom always founded on reason—by what is fair between man and man. And if such charges are improper or excessive, and the amount is disputed, a jury and not a taxing master decides the matter. The society, as you know, has long been labouring for justice. In 1871 we put forth a tentative scale for charges in conveyancing matters. We made some slight alterations, as the result of experience, in 1873, and the amended scale of that year has to a great extent, and particularly as to mortgages, been acted upon. These scales were submitted to the Lord Chancellor, and he was often addressed on the subject, but with no result. At last we were told that neither he alone, nor acting with the judges, had any power to sanction a scale; that in order to do this there must be legislation. We were preparing ourselves during this period with a proper scale. The committee to whom the duty was delegated met the nominees of the Associated Provincial Societies, and the conclusions arrived at were sanctioned by the country lawyers as well as by those of the metropolis. The council adopted the joint report, which is set forth in full as an appendix to the annual report of 1879—80. We not only framed scales for sales and purchases, loans, leases, and settlements, but we laid down this general principle as the true one—viz., that the solicitor should be remunerated according to the skill, knowledge, and exertion which he employs in the business, and according to its importance and his consequent responsibility, and not according to the time employed, the length of documents prepared, or the number of letters or conferences; adding that the able and experienced man would do more and better work in a short time than the incompetent man could accomplish in a long time. If we must have the taxing master still, let him at least be freed from old and pedantic rules, and be empowered to decide upon the reasonableness of the charge made, having regard to the importance of the business, the skill and labour employed, and the responsibility involved. The council, after long consideration, came to the conclusion that the only legislation for which they could hope was an Act appointing a strong body to make rules as to remuneration, to whom the council could submit proposals, and who should ask for the views of the council before they acted. They prepared an Act to this effect, and submitted it to Lord Chancellor Cairns, prior to the first session of 1880. A deputation of the council, comprising members from the country, saw him thereon; but he would not do more than consent to the appointment of the tribunal, leaving it to this body to consult the council or no, as they thought fit. His Bill to this effect was brought in, simultaneously with his Land Bills, just before the change of Ministry. When the new Parliament assembled, Lord Chancellor Selborne refused to adopt the Bills, but did not oppose their passage through the House of Lords. The Government, however, would not give them facilities in the House of Commons, and they dropped. The council have now prepared a Bill on *their* principle, adding to it other matters presently to be mentioned, and they intend to do their utmost to get it passed into law during the session of 1881. In the meantime, and until an Act is obtained, I earnestly counsel the members of the society, and solicitors, generally, to adopt our scale, as appended to the report of 1879—80. The power of making an agreement with clients exists, though it is seldom acted on. Let us all, in dealing with our clients, refer them to this scale, and inform them that we mean, in acting for them, to adopt it. The scale of 1873, which, as to mortgages, is the same as that of 1880, has already been acted upon very generally. If no tribunal is appointed, and matters remain as they are, this course of action must tend to bring about the practical adoption of the scale of 1880—or at least point out its defects, so that we can remedy them. If a tribunal is appointed and finds a scale which has been acted on without objection, it will probably adopt it, at all events as a basis. I shall move the council to publish this scale in their calendar, and to make it public in every possible way.

The next matter which is comprised in the Bill which the council have resolved to promote in Parliament next session, being one of those submitted to Lord Chancellor Cairns in February, 1880, is for *removing the restriction on the call of solicitors to the bar*. It proposes to enact that a solicitor of five years' standing who has procured his name to be struck off the rolls with a view of being called to the bar, shall be entitled to be admitted as a student of any of the Inns of Court without examination; and shall immediately afterwards be entitled to enter for the bar final examination. and on passing that examination shall be qualified to be called to the bar.

The restriction in question is not a parliamentary one. It arises out of the regulations of the Inns of Court. The present restrictive provision is No. 7 of the Consolidated Regulations of the Societies of Lincoln's-inn, the Middle Temple, the Inner Temple, and Gray's-inn of 1872, and provides that no solicitor, proctor, notary, parliamentary agent, or other person therein named shall be admitted as a student in any Inn of Court, until he shall have actually and *bonâ fide* ceased to act or practise in any such capacity. The consequence of this regulation is that a solicitor, before he is qualified to be called to the bar, must be struck off the rolls, and then, having entered as a student, eat his dinners during twelve terms of three years, as other students do. In other words, there must be an interval of three years between his ceasing to practise as a solicitor and beginning to practise as a barrister. No one but a person of substance can afford to give up bread-winning for three years, and few solicitors, therefore, are able to get to the bar. After detailing the steps which had been taken by the council, the president said:—My conclusion is that if the Inns of Court persist in their refusal to repeal the restrictive regulations, and to pass one under which the solicitor of standing who has been struck off the roll can at once present himself for the bar final examination, we shall have no difficulty in getting this enacted by Parliament.

Another question which has arisen, and is to be dealt with in our Bill, is the *right of solicitors to be heard at quarter sessions*, which is sometimes conceded and sometimes refused. The general practice is to deny audience to a solicitor when there is a sufficient bar in attendance. The right of the bar to the monopoly of advocacy is not founded on legislation. It has been the rule of the superior courts during the time of legal memory. In courts inferior it does not prevail. In courts of petty sessions, in county courts, the solicitor is heard whether or no a bar be present. In the Court of Bankruptcy, which may

be termed an intermediate court, the solicitor is also heard. The Courts of Quarter Sessions may, perhaps, be classed in the same degree. I have already alluded to the idea of joining the two branches of the legal profession, and have given reasons for thinking that this will never be carried into effect. I hope that the question of the audience of solicitors will also remain unaltered. We have some advantages over the bar; in particular, the monopoly of direct communication with the client. The barrister must only act on instructions from a solicitor. If we want to encroach on the rights now enjoyed by them, they may require in return to encroach on our rights. I advocate the omission of this head of our Bill.

One more question is proposed to be dealt with in our Bill, that of the *power of dispensing with the preliminary examination* in general knowledge. This power is now vested in any one of the chiefs of the Queen's Bench, Common Pleas, and Exchequer Divisions, and in the Master of the Rolls. Its exercise has for the most part, if not altogether, been confined to the clerks of solicitors who have faithfully and honestly and diligently acted as such for ten years, and whose service under articles may, under the Solicitors Act, 1860, be for three years only. Numerous instances having occurred in which, in the opinion of the council, dispensing orders had been obtained without sufficient reason, a memorial was, in 1867, addressed to the judges, and a deputation had an interview with them. Their lordships intimated that at first some laxity was allowable, but that after ten years had elapsed dispensations would only be granted on very special grounds, and that in future the council should be consulted on doubtful cases. As dispensations continued to be granted with frequency, without reference to the council, the chiefs and the Master of the Rolls were reminded of the promise of 1867. The reply was that, as a general rule, the council should be consulted. This has been done occasionally, but out of 250 orders made in the last three years, the Chief Baron has granted 210 without any reference to the council, and, as they believe, almost as of course. There is a general feeling in the profession that a far too liberal construction has been put upon the power of exemption. It is considered that a preliminary educational test should be required in all cases. The prescribed examination is of a very simple and elementary character, and cannot reasonably be considered an excessive demand upon any one desirous of entering a learned profession. The general excuse of the ten years' clerk is that he has not the leisure for study. The reply is that if he cannot prepare himself for such an examination he is not fit for admission. There may be individual cases where special circumstances may render some modification desirable—as, for instance, the dispensing with one of the required languages. The council think that they are best qualified to exercise such a power, with an appeal from their decision, and their Bill contains such a provision, the appeal being to the Master of the Rolls. Lord Chancellor Cairns, in the interview of February 1880, expressed a favourable opinion of the proposal.

I have as yet spoken of our profession generally. Let me now say a few words as to this our society. The calendar which we are about to publish will give a history of our origin and constitution. Union in all cases is a source of strength. Until the formation of the society there was virtually no union—certainly no general union. In London, I believe the only attempt to come together was made by the predecessors of the society called the Lowtonians. An old attorney named Lowton, so the story goes, sitting in the attorney's well, fell into conversation with the attorney on the other side, after the cause in which they were engaged had been tried. The talk soon got to the cause, and they agreed that if they had met together and had a friendly talk at an earlier period the dispute would have been settled without trial. Mr. Lowton, on this, founded the Lowtonians, who, although their principal work was to dine, brought together those who had a common interest. Our society was formed about 1827. I can speak to dates, for our building was completed just before I was articled, and I was among the first who attended its lectures, and passed the final, then the only examination. And now it is a source of the most intense gratification to me, that having attained to the high honour of the chair, I can, as it were, grasp the whole of the society's existence into the compass of my own knowledge, and survey in memory the successive steps by which it has attained its present proud position. I here declare the deep obligation I feel towards what I venture to call my *alma mater*. Of one thing only do I express regret, and this is, that out of the 12,500 solicitors of England and Wales, a fourth only are members of the society. We do not want funds, and it is beneath the dignity of our position to make any canvass. So we merely say to the three-fourths who do not belong to us: You are not doing justice to yourselves or the society by keeping yourselves aloof. We are working for the common benefit—you reap the fruit of our labour, and yet do not join us.

After some observations on the increasing evidence of union between the town and country solicitor, the president concluded:—

Gentlemen, I have thus endeavoured to glance at our system of education—at some of the duties of our profession—and at some of the rights which have not yet been accorded to us. My main object has been to help forward the tone of moral elevation which has long been in progress amongst us, and the tendency of which is still onwards and upwards. The solicitor, comprising in that now sole distinguishing word all that the attorney once was, used to be defined as the representative of the client, to bring and defend actions for him, and to be put in his place to manage his matters of law, using due care, skill, and integrity. This definition is still correct. But the opprobrium which once accompanied the name of attorney has vanished. All that is honourable remains. I doubt not but that in the future the position of the solicitor, and his services to the public, will be more and more appreciated.

Mr. WILLIAM SMITH (Sheffield) said he had been requested to take the place of the president of the Sheffield Incorporated Law Society and move a vote of thanks to the president for his admirable address. It had raised them to what he might call a higher atmosphere, and the president had maintained a steady flight throughout his discourse, which was the result of great and extended observation, high principle, and great ability.

The motion was seconded by a gentleman in the body of the room, and was adopted unanimously.

The PRESIDENT thanked the meeting for the way in which his paper had been received.

NEXT YEAR'S MEETING.

The PRESIDENT said the next matter for consideration was the place of meeting next year. It had been usual to mention this subject at this time, and it was competent for any one present who wished to invite the society to do so.

Mr. HOWLETT (Brighton) said the Sussex Law Society had sent their ex-president (Mr. Williams) and their president (himself) as a deputation to the meeting to ask the society to do them the great honour of holding their eighth annual meeting at Brighton.

There was no other proposition submitted to the meeting, and

The motion was carried *nem. con.*

EXAMINATIONS AND THEIR REWARDS.

Mr. G. R. DODD (London) read a paper entitled "Examinations and their Rewards." He first called attention to the preliminary examination, and proceeded:—I must confess that I should like the entrance to the profession to be exclusively through or after a public examination at one of our universities, but if nothing further can be done to induce the university authorities at Oxford and Cambridge

shorten the period of residence for a degree, as proposed at our meeting at Oxford, there is nothing whatever to prevent our raising the requisite examination, at least, to the standard of the "Moderations" at Oxford, or the "Previous Examination" at Cambridge, or the "Matriculation Examination" at the University of London. With respect to the last-mentioned examination, it can be, and most frequently is, passed by a youth at the age of sixteen or seventeen, when he is certainly young enough to enter a solicitor's office as an articled clerk. Surely this should meet the objection of some, that valuable time is now, in their opinion, lost by gentlemen about to enter our branch of the profession by the necessary residence at the old universities, whilst such examination is, on the whole, equal to what may be termed the intermediate examinations at those universities, or what are better known as the Moderations at Oxford, or the Previous Examination at Cambridge; and residence at the University of London being unnecessary, no objection can be taken to it on the ground of expense. Undoubtedly, both in France and in Germany the requisite examinations are higher than our own. In France anyone entering the legal profession must, after having had a liberal education, passes two examinations in one of the six faculties of law established in that country; whilst in Germany the law student, after having spent some years at the public school, must, on leaving, pass an examination in general knowledge, and then he is under the necessity of proceeding to a university. In Scotland also the examination is high; whilst in Adelaide, I am informed, no one can be articled to a solicitor who has not passed an examination at the university, which is understood to be equal to the Matriculation Examination at the University of London, and which I need scarcely add is far higher than our preliminary examination. Ought we to be content thus to be behind other countries, and even our own colonies, with regard to education?

After referring to the dispensing power of the judges, he continued:—I am fully aware that some are of opinion that too much attention is bestowed in these days upon examinations, and others think that we are now ourselves pushing them too far. We must, however, keep pace with the times, and whilst—to say nothing of the large amount both of general knowledge and legal preparation required from candidates for the Indian Civil Service—the Public Accountants, under their charter recently obtained, require from persons seeking membership both a preliminary and a further examination to be passed—the Institute of Actuaries has a high standard of examination, the Institute of Bankers also requires for membership the candidates to go through two examinations (in one of which some legal knowledge is required), and other professions are also instituting various examinations, we cannot stand still. It is certainly a matter for congratulation that the council now have arranged for an examination for honours at the final examination, but I sincerely trust that they will not stop there or in fact rest satisfied until the present standard of the preliminary examination is considerably raised. The first four books of *Euclid*, or *Logic*, should, in my opinion, certainly be added to the present requirements; some knowledge of chemistry and natural philosophy would also be useful; and something in the nature of prizes, or entrance scholarships, might fairly be awarded at the preliminary examination, for at present there is no inducement, either by classification or otherwise, for any one to attempt anything beyond a simple pass. At the intermediate examination some knowledge of Roman law might be required, and passages in Latin from the Institutes of Justinian and Gaius be given for translation. The reader then referred to the scholarships and studentships now offered by the Inns of Court to students for the bar, and to the number and amount of the scholarships and prizes the medical profession offers to its students.

He then continued:—I have always felt how very inadequate were the prizes we offer for competition at the final examination, and as the expediency of our articled clerks giving more time and attention to their legal studies is admitted by the institution of examination for honours, it appears to me that it would be a favourable opportunity to encourage them to do so by establishing scholarships and studentships to be awarded at the intermediate and final examinations, even if we are not at present quite prepared to found scholarships for the preliminary examinations. With an income of about £20,000 per annum, we could, I submit, well afford to set aside a few hundred pounds a year for such purpose to begin with. It should be borne in mind that in round figures nearly a moiety of our income is derived from fees received in various forms from articled clerks, whilst not half the amount of such fees is expended upon lectures, examinations, &c. At present we are practically reducing the mortgage debt upon the Law Institution and the adjoining buildings with our surplus income; but I think it can scarcely be contended that this was the intention of the Legislature when section 8 was introduced into the Solicitors Act, 1877, which, after providing for payment of the fees of examination to the Incorporated Law Society, enacts "that all moneys paid to the society in pursuance of this Act, in respect of the preliminary, intermediate, and final examinations, shall be applied by the society in payment of the expenses from to time incurred by the society with reference to such examinations, and with reference to the lectures classes and other teaching provided by the society from time to time for persons bound or about to be bound under articles of clerkship to solicitors." It may be within the knowledge of some that I took an opportunity of bringing this subject forward at the annual meeting of the society, when our late president intimated that the council had never deliberately considered the matter. One member of the council suggested such scholarships might properly be founded by private individuals, whilst other members feared that the society could not afford to pay for the same. Even if there be anything in these arguments, which I cannot admit, there is nothing whatever to prevent our slightly raising the fees for the examinations, and a very small addition would produce a considerable income. Our fees are now lower than those required by other professions, and no one could reasonably object to the increase of the amount, say to the extent of £1 for each person, for the purpose of raising the fund, if the present income should be insufficient, for payment of the scholarships which I now propose to establish. I believe the three examinations can be now passed at the cost only of about £5. The studentships given by the Inns of Court are, as I am informed, paid out of the general income, and with the exception of Gray's-inn, they have no particular endowments. Whilst other professions hold out the inducement of scholarships and studentships, ought we alone to be content to have none, and should we be satisfied with simply awarding the most successful candidate for honours at the final examination a prize of books, of the value of ten guineas, being far less valuable than the rewards or prizes given at very many of our large schools?

Popular Fallacies about Lawyers.

Mr. F. J. Gray (Louth, Lincolnshire) read a paper entitled, "Popular Fallacies Concerning Lawyers." He spoke of the abuse to which lawyers had been subjected. Whilst the outside world had been willing to give lawyers credit for "learning," it had rarely been disposed to accord the term "noble." He readily acknowledged, however, that there had been a great improvement in this respect within the present generation; and he believed one of the chief benefits to be anticipated from annual gatherings in the provinces was the recognition on the part of the public of an importance and a social distinction attaching to this branch of the legal profession—a recognition which hitherto had scarcely existed to the degree which was desirable. He knew there still lurked in many circles a petty dislike, merging sometimes into an almost bitter hatred of lawyers. He admitted with sorrow that there had been instances of flagrant, dishonourable, and dishonest practices enough to make them blush for their order, but in this, experience taught that the many suffered for the faults of the few. The vast body of solicitors in this country were doing as much to benefit their fellows as any class of men. He believed almost the whole of the rooted antipathy existing in many minds towards lawyers as a race was grounded on the unfair amount of money which it was alleged was consumed under various pretexts, but all summed up and included in that uncertain word "costs." He believed much of this dread of "costs" arose from the detail in which bills of costs were prepared, and he advocated a brief description on a half-sheet of ordinary note paper. In concluding, Mr. Gray urged as the best remedy for removing misconceptions the divesting themselves as far as possible of the mystery and darkness which some practitioners seemed to think so essential to their cloth to preserve; to take their clients more into their confidence and treat them more as intelligent, rational human beings.

Discussion on the President's Address.

The discussion on the president's address and the papers read was commenced by

Mr. R. S. Watson (Newcastle-on-Tyne), who called attention to the subject of examinations. He thought, after hearing the excellent observations of the president, that no one could for a moment be under the impression that there was any desire on the part of the members of the profession to lower the character of the examinations. He could not say anything about France, but he could say that it was entirely fallacious to endeavour to reason from the education of lawyers in Germany to the education of lawyers in England. The whole system was entirely different. There was nothing whatever in the education of lawyers in Germany to compare either with our "intermediate" or with our "pass" examinations. Again, he should like to point out that it was misleading to compare their examinations with those of other learned or financial bodies unless they had a strict statement as to the nature of the examinations which those bodies instituted. For example, taking the question of medicine, or of exhibitions from the public schools to the universities, in both these cases there were schools to which the scholars and the exhibitioners could be sent. Many of the legal profession hoped the time would come when there would be law schools in the big towns to which they could send their students; but until such schools were instituted there was not the same object nor the same reason for having exhibitions and scholarships connected with their examinations that there was for having them connected with the examinations for medicine, or with the exhibitions from the public schools to the universities. He should like to point out that supposing they had these law schools existing in the large towns, then scholarships and exhibitions might properly be attached to the intermediate examinations, but it did seem most undesirable to have anything of the kind in connection with the final examinations. What was the true reward of the good man who passed a good final examination? He had partnerships or good clerkships immediately open to him. To give him a mere money reward would be an altogether inadequate thing. It seemed most desirable that the man who was just going to become the member of a learned and honourable profession—that the value of his sign of merit should consist in the honour which should attach to it, and not in any mere pecuniary value.

Mr. M. D. Osbaldeston (London) spoke in warm praise of the president's advice to articled clerks, and hoped the address would be printed and circulated amongst articled clerks. The sooner this were done the better it would be.

The President said complaints had been made in previous years of the long period which elapsed between the meetings and the circulation of the papers. This year they had succeeded in printing the papers already, so that the delay would be hardly anything.

Mr. W. Chubb (London) supported the proposal that the articled clerks should receive copies of the address, and he hoped they would follow the valuable suggestions of the president.

Mr. J. Perry Godfrey (London) alluded to the restrictions on the call of solicitors to the bar. It was from the higher branch of the profession that the great offices were filled. That was higher branch of the profession; and a man becoming a one reason why they should be allowed to get into the member of the higher branch of the profession, after having had experience as a solicitor, must be better qualified for his post than one who had not the same experience. Lord Selborne had stated that the restrictions upon solicitors ought to be removed. Now that they had a Lord Chancellor and a Premier who were favourable to them, it was not too much to say that the time had arrived for legislation on the subject. He then moved, "That in the opinion of this meeting the time has arrived for the Incorporated Law Society of the United Kingdom to seek a parliamentary enactment enabling solicitors to be called to the bar upon passing the bar final examination."

Mr. F. R. Parker (London) urged upon the council the desirability of circulating the papers before the meetings so that they could read them on their way to the meeting places. In reference to the suggestion as to articled clerks, he had to say that these clerks should not be driven. The clerks ought first to learn to guide themselves. Beyond superintending the reading of the clerks he did not think solicitors could go much further. Their writing ought certainly to be improved. The council ought to insist that men who could not pass the preliminary examination should not be permitted to enter the profession. It was too much a matter of patronage at present. In the matter of payment he thought that they ought not to strive too much because the public would be against them. The public were of opinion that lawyers were well paid, but they were willing to pay the present fees. He then called attention to the Act of 1870, which contained very many admirable principles, which had already become dead letters. In taxing fees it was a positive fact that the skill of the profession was not taken into consideration. He did not complain of the manner in which the taxing masters performed their work, but he did complain of the fetters by which they were bound.

Mr. S. Day (St. Neot's and Kimbolton) said, with regard to the printing of the papers and the suggestion that they should be circulated beforehand, he hoped the council would be very careful in accepting a proposal of that kind.

Mr. T. M. Gepp (Chelmsford) said he was informed that the cramming for examinations could not be abolished. He thought it most desirable that articled clerks should be at least a year or a year and a half at conveyancing work. He was sure that the scale of fees laid down by the council was too high, and could not be adopted in the country. He condemned the practice of the selling of advowsons, and being himself the owner of a living he could inform them that it had been suggested to him when that living was vacant that it could be sold to great advantage.

The council then adjourned to luncheon, and on returning to the Cutlers' Hall,

Mr. G. R. Dodd (London), in seconding the resolution, remarked that with respect to articled clerks he found that it was a good plan to subject the clerks to occasional examinations, and to make them epitomize all letters in the letter-book. It appeared extraordinary that Lincoln's-inn had the greatest horror of solicitors. There, a man must be presented three times in hall, and sign declarations that he is not an attorney nor a writer to the signet. He may be a butcher or a baker, but not a member of these learned professions. Why they should be libelled in this way it was impossible for him to say. He thought the time had now come for the law to be altered on the subject.

Mr. J. T. Woodhouse (Hull) expressed the opinion that Mr. Godfrey's suggestion was out of place, seeing that the council actually proposed to introduce a Bill on the subject of the calling of solicitors to the bar, and on other subjects. It was surely, in these circumstances, out of place to pass a resolution setting forth that the time had now arrived to deal with these subjects, seeing that the council had announced that they were going to do so. He suggested that it would be more important for the meeting to express pleasure at the announcement of the council, and pledge itself to support them.

Mr. F. K. Munton (London) expressed his high opinion of the president's address. Without in the slightest degree suggesting that the papers which had been read by the presidents of the society in previous years had not been admirable, still this was the first paper of the character which the society expected would be delivered by the president at the annual gathering. He believed they would all agree with the president that the first matter to which they should give attention should be the attainment of a very high standard of legal education. They would all agree in that, but he asked whether the next most important thing was not the culture by which a man should understand mankind? He believed they would find that the most prosperous lawyers were not only those who understood the law of the land, but those who had been taught through their articles to mix with the clients and the business, so that when the business came to them they could at once tackle it. They often came across men who had little or no technical legal knowledge, but, from the admirable manner in which they understood their fellow-men, could manage their business in a more admirable manner than if they were full of learning and knew little of that art which was so useful. In the paper on "Popular Fallacies" it was said that the public supposed lawyers derived very handsome profits from their business, and there would perhaps be few persons outside

that room who would be inclined to share the president's opinion that lawyers, right-minded lawyers, discouraged litigation. He would, however, assert that every well conducted office adopted the practice of advising as strongly as possible against litigation when it was thought proper to be so arranged. Apart from this being a moral and right thing to do, in the end it was the most remunerative. Every one knew that a client who was advised not to engage in litigation came again to the same lawyer. Adverting to the admission of solicitors to the bar he said that for ten or fifteen years he had advocated that some arrangement should be made by which solicitors who desired, as he had desired, should be able to go to the bar. He was afraid he was now too old to adopt that course, having been kept out of it so long, but for the benefit of those who still intended to go to the bar he hoped the society would speak almost as one man in favour of an alteration of the law and enforce the subject upon the benchers. He ventured to say years ago that the council had acted somewhat unwisely in allowing the passing of an Act of Parliament which enabled the barristers to come to them as lawyers without their receiving a *quid pro quo*. He hoped some legislative action would be taken by the council, and he suggested that each member should bring pressure to bear upon any member of Parliament with whom he might be acquainted to obtain the end they desired. His experience had been that men who had gone from their side of the profession to the bar had admirably performed their business, and this was a matter of public interest. In conclusion, he hoped some course would be taken other than the polite course of suggesting to the bar that they should do the solicitors justice. The bar never would do them justice, and he was glad to hear that the president intended to push this matter forward. He thought the resolution which had been moved should be withdrawn, and some such motion as this substituted, "That this meeting is pleased to hear that the council purpose to promote in the ensuing session of Parliament a Bill on the subjects mentioned in the president's address, and hereby pledges itself to use every endeavour to support them."

Mr. JOHN COOK (Hull) seconded Mr. Munton's proposal. In doing so he took occasion to say that Mr. Gray's "popular fallacy" about solicitors was a fallacy in his own mind. The social *status* of a solicitor was just that to which he was entitled. If he was a man of culture and integrity, he would have all the respect which these qualities deserved. Solicitors need not trouble themselves with the idea that they were insufficiently appreciated, for they would have all the appreciation to which they were entitled.

Mr. T. H. BOLTON (London) adduced a case in which the dispensing power of the judges had been used most judiciously. A reputable and honourable gentleman, was, by the act of the judge in dispensing with the preliminary examination, thus able to take the position to which he was entitled. Still, he thought if the powers were transferred to the council of the Law Society, they would treat cases with more care than her Majesty's judges' many duties allowed them to do. He contended that solicitors not getting to the bar was a grievance to the solicitors and an injustice to the public. He also urged that the responsibility of solicitors should be extended to members of the bar. At present the solicitors were responsible to their clients for neglect of duty, whereas the bar could take plenty of business. The solicitors were the people who suffered, and the bar escaped scot-free. The council should support Mr. Lewis and other members who were advocating the responsibility of the bar, and making them equally responsible with the solicitors.

The PRESIDENT then put the resolution, "That the address of the president, containing as it does valuable advice for articled clerks, be published for their use, and circulated among them."—This was carried unanimously.

Mr. Godfrey's resolution was withdrawn in favour of the proposition of Mr. Munton which was carried.

COUNTY COURT REFORM.

Mr. F. D. LOWNDES (Liverpool) then read a paper on "The Improvement of the County Courts." He alluded to the improvements in the administration of justice, suggested by the Attorney-General in the House of Commons on the 21st of March, 1879, considered in conjunction with Mr. Cowen's scheme for district courts of the High Courts of Justice and Mr. Norwood's for the extension of the jurisdiction of county courts. In March last the present Attorney-General drew the attention of the House of Commons to the improvements required in the administration of justice, suggesting that measures ought to be adopted to provide some speedy, efficient, and less expensive mode of administering justice than now prevails. Mr. Lowndes said he believed that the scheme suggested by the Attorney-General, with some few slight additions, would not only give increased facilities for the dispatch of both civil and criminal business in the provinces, but would enable continual sittings of the Court of Appeal and permanent sittings at *Nisi Prius* to be held in London. He then considered the proposals by Mr. Norwood for giving unlimited jurisdiction to the county courts and by Mr. Cowen for the formation of district courts of the High Court of Justice. He then suggested that a complete scheme could be made if Sir Henry James's proposal were carried out, and parts of Mr. Norwood's and Mr. Cowen's schemes were added to it; if the county courts were constituted a division of the High Court of Justice, with the practice and procedure in all actions above £20, with a reduced scale of fees and charges in actions between £20 and £50. This, he said, has been in use in the Court of Passage of Liverpool for some time, and the rules were approved by three judges of the High Court. The scale of costs gives a fair rate of remuneration to solicitors. Above £50 the High Court scale might be allowed, and I would suggest that a suitor should be allowed to have a jury of twelve if he desired it. As a part of the measure, it might be provided that in all actions in other divisions of the High Court where the amount involved is under (say) £200, the court or judge, on application of either party, shall, after the close of the pleadings, have power to order any action to be tried in the county court division, thus practically finding in all the large towns a constantly sitting court to dispose of two-thirds of the actions at present tried in the superior courts. Another matter which, although one of detail, I think important, is that I think it would be desirable that the more important cases should be heard by the county court judge sitting in the *Nisi Prius* Court, when practicable, to remove any prejudice from the minds of solicitors, and to give increased dignity to the court. I understand the Attorney-General's scheme to include the abolition of divisional courts for the purposes of appeals, motions, for new trials, &c., and the substitution of the Court of Appeal. As it will be probably necessary that a third division of the Court of Appeal should sit, I would suggest that the Lords Chief Justices, Lord Chief Baron (and the President of the Probate Division, if necessary), should sit in the Court of Appeal, and that the judges of the Court of Appeal for the future should not go circuit. I would suggest following out the Attorney-General's proposed scheme of centres, and that Manchester, Liverpool, Leeds, and Birmingham should be four centres, and that Cumberland and Westmoreland should be included in the Manchester centre, Chester and North Wales in Liverpool, and Northumberland and Durham in Leeds, and the counties of Stafford, Salop, Worcester, Derby, Leicester, Nottingham, Lincoln, and Rutland in Birmingham. In reference to the Attorney-General's suggestion as to whether the judges should hold a criminal sitting or not involves another question, to which, in conjunction with my colleagues, the late Mr. Ward Hunt, Mr. Bateson, and Mr. Hollams, we drew attention on signing the final report of the Judicature Commission—viz., whether the principle of a Central Criminal Court could not with advantage be extended to other parts of the country besides the metropolis. Mr. Ward Hunt suggested that quarter sessions should be so arranged that a judge of the High Court might attend them and the trial of the more important cases, leaving the chairman or recorder to dispose of the rest of the business. Upon this point, moreover, it should be borne in mind that the reason for adhering to the county divisions has been robbed of a good deal of its force by the Treasury now paying nearly the whole of the costs of prosecutions, as well as by the Prisons Act; and further, it may well fit in with the development of the office of public prosecutor, by leading to the appointment of a deputy public prosecutor for certain defined areas, and so tend to further saving of expense in the conduct of prosecutions. Now if this were carried out alternately by the judges, so that all the principal towns included in these centres were visited four times a year, the only circuits to be provided for would be the Oxford (deprived of Worcester,

Stafford, and Shrewsbury, for which might be substituted Aylesbury, Bedford, and Northampton, as the remaining places on the Midland Circuit would be included in the Birmingham centre), Western, South-eastern, and South Wales, at present requiring seven judges; but if the jurisdiction of quarter sessions were enlarged as suggested, and power given to send cases where the amount involved is under £200 to the county court, I should expect one judge on each circuit, or four judges in all, would be able to dispose of all the business. There are a few other suggestions which I would add to the Attorney-General's plan. To avoid the present complaint as to interlocutory appeals, I would suggest the establishment of a practice court, before which all questions of practice arising on interlocutory applications and reviews of taxations of costs, in whatever division, should be brought, and that this court should sit daily, the cases being called on in order; the judge who presided in this court being relieved from going circuit. This would lead to uniformity in practice and to the adoption of one scale of costs, so that at no distant date the taxation of costs might take place before one set of officers instead of the present divisions being maintained. The Attorney-General did not allude to the trial of actions in the Chancery or Admiralty Division at the centres, but I presume he did not intend to exclude them. I would venture to go a point further, and to include probate and divorce cases, where the latter involve merely the issue of whether or not adultery had been committed. The objection of the possibility of prejudice is absurd where the community is so large as at the proposed centres; and whilst the punishment to the guilty parties it greater, the expense to the suitors would be greatly reduced by not having to take all the witnesses to London.

Fire Insurance Conditions.

A paper, entitled "Fire Insurance, Conditions affecting the Interests of Mortgagees and Lessors," was read by Mr. T. G. Gibson (Newcastle-on-Tyne). He said:—The late Lord St. Leonards gives the following advice: "Very few policies against fire are so framed as to render the company legally liable. Generally the property is inaccurately described with reference to the conditions under which you insure. They are framed by the company, who probably are not unwilling to have a legal defence against any claim, as they intend to pay what they deem a just claim without taking advantage of any technical objection, and to make use of their defence only against what they may believe to be a fraud, although they may not be able to prove it. But do not rely upon the moral feelings of the directors. Ascertain that your house falls strictly within the conditions." This advice, coming from such a high authority, may be considered by some to justify a stricter scrutiny of fire insurance conditions than they might otherwise deem necessary, having regard to the generally fair and honourable intentions of insurance companies and their directors. To others no such justification or apology will be deemed necessary for the following observations:—In the year 1876 the attention of the committee of the Newcastle Law Society was drawn to the following condition, which appears to have been adopted by the offices belonging to the Association of Fire Insurance Offices some four or five years previously, viz.:—"If at the time of any loss or damage happening to any property hereby insured there be any subsisting insurance or insurances, whether effected by the insured or by any other person covering the same property, the society shall not be liable to pay or contribute more than its rateable proportion of such loss or damage." Commenting upon this condition in their Annual Report, the Committee remarked that it had been suggested, and they feared with considerable show of reason, that a first mortgagee, whose security was insured by a policy containing the above condition, might find his rights seriously altered and impaired by the act of other parties without his knowledge, and over whose actions he could have no control. For instance, suppose a property worth £1,000 be mortgaged for £600 and insured in the mortgagee's name for the amount of his mortgage, and suppose it to be subsequently further insured by the owner for £1,000 in another office, of which the mortgagee has no information, the mortgagee, it was then suggested, might find, in case of a total destruction of the property by fire, that instead of recovering £600 upon his policy, as he would naturally expect to do, he would only recover six sixteenths of £1,000, or £375, whilst the remainder of the loss would be payable to the mortgagor or parties claiming under him, and entirely beyond the control of the mortgagee. The committee further observed that this was certainly not a result ever contemplated by the assured, and although it might be conceded that the majority of the offices would not in practice act upon the strict construction of the condition to the prejudice of an assured who could have had no knowledge of the subsequent insurance, yet this could not be considered any justification for a slovenly and imperfect expression of what was really intended as the contract on both sides. There might, it was observed, be difficulties in the expression of that contract, so as to meet possible and conceivable frauds upon insurance companies, but it was surely the duty, and should be the object of the able lawyers who advise the companies, to exercise their foresight and ingenuity in devising terms which would accurately express the fair and legitimate objects of both parties, instead of contenting themselves with a confessedly imperfect expression, which placed the insured in the position of having to ask as a concession what they ought to be able to demand as a right. It was admitted, however, that the importance of the questions raised upon this condition depended in some measure upon the construction which the courts might put upon it, and as this was involved in a cause then pending, the committee considered that, attention having been called to the matter, it might be allowed to rest until a decision had been given in the case referred to. That case, the *North British and Mercantile Insurance Company* v. *The London and Liverpool and Globe Insurance Company*, was heard before the Master of the Rolls, and afterwards on appeal before the Lords Justices James, Mellish, and Baggallay, and is reported in 5 Law Reports, Chancery Division, page 569. It was decided on grounds independent of the construction of the condition above referred to; but the Master of the Rolls, in giving judgment, thought it right to give his opinion on the question raised upon it for the guidance of persons interested in these matters on future occasions. He stated that the policies were not well worded in this respect, and he construed the word "property" in the condition as meaning not the actual chattel, but the interest of the assured therein, although this compelled him to put a different meaning on the same word in different parts of the instrument, thinking it his duty to make it rational, and such a contract as persons would be likely to enter into, and not one which would be an utter absurdity. The Court of Appeal agreed generally with the Master of the Rolls' decision, and any danger of a different construction being held by a court of law is probably very slight, although, as the case was actually decided upon other grounds, the question might be again the subject of litigation. This, however, is not the only danger to be apprehended from the use of this ill-worded condition, for all persons who effect insurances are not so astute as the Master of the Rolls, and indeed it may well be said that few lawyers would have had the ingenuity to suggest, and still fewer the courage to advise a client to stand out for, such a construction as his lordship put upon the condition in the case referred to prior to that decision. On the other hand, it would appear that insurance companies ignore where they can the construction put upon the condition by the Master of the Rolls, and base their settlement of losses upon the, at first sight, apparent meaning of this condition. Thus, in a case which was brought to the notice of the committee of the Newcastle Law Society last year, where a mortgagee had insured a property for £1,000, and the mortgagor had subsequently insured it in two other offices for £500 each, a fire occurred by which the property was damaged to the extent of £525. Thereupon, in settlement of this loss, the mortgagee's office paid him £262 10s., and the other two offices paid *the mortgagor* £131 5s. each. The mortgagee accepted this settlement without legal advice, believing not unnaturally that he was getting all he could legally claim in the face of the above condition. Mention having been made of this case in the last annual report of the committee, they were instructed by resolution of a general meeting of the members to ascertain and inform the members what fire insurance companies do not insist upon the condition in question. The result of inquiries addressed to all the known fire insurance companies in Great Britain is that seven of them do not insist upon this condition exactly, but two of these

adopt conditions which, varying slightly in form, are scarcely less objectionable than the one quoted above. The other five companies, viz., the Royal Exchange Assurance, the Scottish Commercial Insurance Company, the London Assurance Corporation, the Atlas Assurance Company, and the Emperor Fire Insurance Society, adopt corresponding conditions which, whilst they adequately protect the companies against the danger of over-insurance, do not on the face of them, according to plain reading, leave the rights of a mortgagee or a lessor effecting an insurance liable to be prejudiced by a sanguine mortgagor or lessee, who may effect other insurances on the same property without his knowledge. A word to the wise is enough; and whilst it is admitted that insurance companies are entitled to frame their own conditions, it cannot be denied that the assured have the right to patronise those companies which offer the fairest terms and express their contract in the clearest language.

Mr. C. H. STANTON (Newcastle-upon-Tyne) said he had received a letter from the Newcastle Fire Office, stating that they would alter their policies to make them agree with what Mr. Gibson advocated.

Mr. J. H. WADE (Bradford) referred to the statute which had reference to insurance, and which was to the effect that persons whose property was injured by fire, although not insured by them, may still require the insurance company to expend money in reinstating the building.

Mr. J. W. HOWLETT (Brighton) gave an illustration of the case in point. It was a case in which a lessee entered into a covenant to keep a place and leave it in good repair. The landlord insured to protect himself. The landlord insured in such a way that he could go and receive money from the insurance company, put it in his pocket, and hold the tenant liable. The only remedy for the tenant was to go to the insurance company and use his power with them to compel the landlord to spend the money—which power they possessed.

Mr. W. M. HERBERT (London) said he believed a case was decided by the Master of the Rolls about twelve months ago that where a contract had been entered into for the purpose of real estate, and the property was insured, and between the completion of the contract and the purchase the premises were burnt down, but the vendor pressed for the payment of the purchase-money, and received the insurance money and did not account for it in any way to the purchaser. He thought this difficulty would be met by a clause in the transfer deed making the vendor trustee of the money for the purchaser on the completion of the purchase.

Mr. F. J. GRAY (Louth) said that a memorandum endorsed upon the policy by the vendor, assigning the interest over to the purchaser would meet the question which the previous speaker had raised.

Mr. BRAMLEY (Sheffiefd) wished to say that after the Newcastle Society brought this matter prominently before the district law societies, the Sheffield Society considered the matter carefully, and they came to the conclusion to advise second mortgagees to insure in the same office where the first insurance was effected. The society thought that, pending the change of legislation or policy, this was the best method of meeting the difficulty. The society printed the advice in their report, and promulgated it among their members. He admitted the great difficulty that occurred, and he thought that insurance offices had erred a little in ignorance.

TRADE-MARKS.

Mr. HERBERT HUGHES (Sheffield) read a paper on "Trade-Marks and Trade-Mark Law." He referred to the constitution of the Cutlers' Company of Sheffield and its functions. Practically the company existed at the present time as a mark granting corporation, and valuable aids were given under the Acts of Parliament regulating the company for the nipping in the bud of any infringements of corporate marks which might be perpetrated in Hallamshire or six miles round. He believed there was a distinct property in a Cutlers' Company's mark as distinguished from a mere right to prevent anybody else using it. He suggested as desirable that any mark-holder should be able to obtain from the Cutlers' Company, upon payment of a fee, a certificate under the seal of the company and the hand of its master cutler, that any particular parcel of goods marked with his corporate mark are genuine Sheffield goods. Mr. Hughes referred at length to the changes in the law by the Trade-Marks Registration Act, 1875, and concluded by urging that any man who had perfected goods so as to become a credit to the country, should be allowed to retain with perfect freedom, and quick and cheap remedy in case of infringement, the trade-mark which distinguished the goods, the reputation of which he has with much care established.

Mr. B. WAKE (Sheffield) spoke in praise of the paper, and

The PRESIDENT asked the meeting to convey its thanks to Mr. Hughes for his interesting paper, and the request was heartily complied with.

GRAND JURIES.

Mr. W. SMITH (Sheffield) read a paper "On the Desirability of abolishing Intermediate Inquiry in Criminal Cases by the Grand Jury." Considering the state of things which existed now, and the methodical preliminary inquiry in a public court, it appeared to him that this intermediate inquiry by a grand jury was in the present day utterly useless. It was also inconvenient, because it led to a great waste of time and increase of the costs of prosecution; and also mischievous, as it not unfrequently enabled the friends of prisoners to defeat the ends of justice. When the regulations for carrying out the Prosecution of Offences Act came into force it might be assumed that the public prosecutor would not proceed with a case unless it was a proper one to be sent to a jury for trial. That being so, it became still more absurd to send the case, after such a handling, for a grand jury to investigate what might be termed the "previous question," viz., whether there ought to be a trial at all.

In the course of the discussion which followed this paper, the PRESIDENT said he often sat on grand juries in Kent, and therefore was not without experience on the subject. Although he agreed that very often the inquiry before the grand jury was useless, yet there were cases now and then in which it prevented great injury. Indictments must be preferred at assizes and sessions without a previous inquiry before the magistrates, and it was not an uncommon thing for an indictment to be preferred when there was no case whatever; and in such a case it would be a cruel thing to put a man on his trial before a jury.

Mr. HOWLETT (Brighton) supported the contention of Mr. Smith, and gave instances from his own experience where there had been miscarriage of justice through the grand jury system.

In the evening the society were entertained to dinner by the Sheffield District Incorporated Society.

On Thursday morning the meeting was resumed. Mr. J. M. Clabon, president, in the chair. The president's paper on Bankruptcy, left over from last evening, was read.

Mr. BERNARD WAKE (Sheffield), said he had watched the law of bankruptcy for forty years. In 1840 his father was one of the commissioners under the then bankruptcy law, and on one occasion he saw three commissioners sitting in one room attending to one case, making it almost impossible for a culpable debtor to escape. The law at that time he believed was exceedingly good, and the legislation upon it since had been bad. It had enabled unscrupulous men to undersell the honest man. Now no man could go into trade under fair circumstances. He expressed concurrence in the opinions advanced by the president, and advocated the sweeping away of present legislation and getting back to a better state of things.

A resolution, proposed by Mr. WALTERS (London), and seconded by Mr. B. WAKE (Sheffield), was unanimously agreed to in the following form:—"That it is of vital importance to the interests of the public that the suggestions of the president and of this meeting with reference to the amendment of the law of bankruptcy should be carefully considered by the council of the Incorporated Law Society with a view to future early legislation."

THE LAW SOCIETY AND PARLIAMENTARY REPRESENTATION

Mr. GRINHAM KEEN (London) read a paper on "The Law Society of the United Kingdom and Parliamentary Representation." The subject, he said, may be conveniently divided into three heads, or questions:—1. Are we from our position in the State entitled to a distinct and direct representation? 2. Would such a representation tend to the public weal? 3. Would it be in accordance with the tendency of our times, and of sound public policy?

First, then, the Law Society of the United Kingdom holds important charters, and has confided to it, in a large measure, the government of that great branch of the profession which, throughout the kingdom, is applied to by the community for advice on all legal questions. It is an examining body like Oxford, Cambridge, the London, and other universities; and, like them, it also now awards honours. The universities have their parliamentary representatives.

Secondly, its council and members devote great time and attention to all Bills in Parliament which affect the practice of the law—besides making numberless suggestions in all Bills touching the rights and remedies of the subject, and the transaction of the public business. It also constantly introduces measures—the utility of which is evidenced by the fact of their finding their way at once into the statute-book. It is not necessary to enumerate the Bills with which we have had to do during the last few years, or those we shall have to deal with in the near future—full information on this head appears in the annual reports of the council to the society, and with which all who happily take an interest in the work, and attend these meetings, are familiar. From my own experience during the few years I have had the honour of a seat at the council, I should say that it is well nigh impossible for a solicitor in large practice to give the full time that preparing and getting Bills before Parliament takes up. Consequently, though a great deal is done, there are many useful schemes which die in the bud. When anyone has a measure in view, consider the time required to knock it into shape; to correspond and consult about it; to bring it before the society's meetings; then it has to pass the council (and this is necessarily a severe ordeal, requiring very careful preparation); then the committee of the council; the preparation of a report; reconsideration and final approval by the council. At length the measure is to go forward, and two or three members, for convenience, will take charge of it. Consultations with the parliamentary drawer and counsel follow, with conferences, meetings and deputations to statesmen and other dignitaries, *ad infinitum*. Well, those in charge of the measure have not done with it here, but it is at this point, I argue, that their labours might well cease. We have been much indebted to many members of Parliament for the warm and ready manner in which they have given us their help, and those on our own council—Mr. Gregory, Mr. Dodds, and others—have given us very valuable assistance. Mr. Gregory's services cannot, I think, be overrated. He, though a county member, with a constituency of his own, has, in point of fact, been also member for the Law Society. Some day he may cry "hold, enough;" and then, unless we can insure the services of a member of Parliament *close at hand*, we shall find ourselves in a difficult position. In looking after the numberless Bills in and to which we suggest alterations and additions—and, in fact, watching the introduction and progress of all legal and business measures—a member of Parliament representing our body would find ample occupation; and although there are, of course, many measures which necessitate our seeking the aid of particular members and statesmen for special reasons, yet even in these cases the communications constantly passing would be greatly facilitated by the assistance and intervention of our own member. Surely it would be a desirable arrangement that we should feel we have the *right* to services which we now owe entirely to *courtesy*? In the slight way I touched upon the first head, I did not notice the great (though accidental) advantage to the bar of the two great offices of Attorney and Solicitor General. I merely desire to draw attention to the constant reference to those officials and the services they render; and I think it would be found that a member representing our body would also prove of much *practical* use. Here, too, would be the case of a member going into Parliament mainly in the interest of his professional constituents, and of their clients, the public.

Mr. W. J. Fraser (London) moved a resolution urging the desirability of the society being directly represented in the House of Commons, and requested the council to take such steps as they thought fit to give early effect to the proposal.

Mr. G. R. Dodd (London) seconded the resolution.

Mr. B. P. Brookhead (Sheffield), and Mr. Wm. Walters (London), spoke in support of the resolution, but Mr. W. Smith (Sheffield), Mr. Winterbotham (Stroud), Mr. Godfrey (London), and other members urged that the profession already had got political power if they used it rightly, adding that if they obtained the resolution asked for, they would introduce into their ranks an element of political antagonism. On the suggestion of the president the resolution was withdrawn.

Land Legislation.

The President read a paper on Land Legislation. He said:—In saying a few words on the subject of Land Legislation, I shall not, of course, attempt to go over the ground occupied by the admirable and exhaustive paper which was read at Cambridge last year by one so well qualified to deal with land questions, by his knowledge and experience, as my predecessor in the chair; nor will it be useful to go through in detail the suggestions made by our council for the amendment of the law of real property, which were sent to Lord Chancellor Cairns on the 23rd of January last; nor the Bills which he introduced in the first session of 1880, and passed through the House of Lords in the second session. But I shall try to describe the real wants of the country as to amending our Land Laws, and to select from the report of the Commons' Committee on Land Titles and Transfer, dated 24th of June, 1879, and from the Cambridge address of Mr. Lawrence, the suggestions of the council, and the Bills of Lord Cairns, the remedies suited for such wants. Free land has been long a common cry among radical reformers. I never remember to have seen a definition setting forth exactly what was meant by the phrase. But, I suppose, that at all events it includes two great objects—viz.: 1. Getting rid of entails. 2. Greater facility for land transfer. The object of the proposed abolition of entails is, as I suppose, to bring more land into the market; but the market already swarms with land for sale. "No man," said Mr. Lawrence, "possessed of capital, and desirous of investing it in land, can be at a loss for opportunities of purchasing, whatever be his taste or his means." But settled land is not kept out of the market. Every settlement and will contains ample power to the trustees to sell, with consent of the tenant for life; and, in the few cases where trustees have not the power, the Chancery Division of the High Court can authorize a sale under modern legislation. Some land is of course kept out of the market. But it is not so kept out because it is entailed. It is because the owner chooses to keep it for his own use and enjoyment, as he keeps his consols. Everyone who has a sixpence which he can fairly call his own longs to be a landowner. To buy land, to build a house, to buy a house, to have a garden and a field, are the objects of every man's hope. The merchant wants a country mansion and broad acres on which to feed beeves and preserve pheasants, as a country gentleman. He cannot hope to be in the commission of the peace unless he can point to his land; and all these will keep their acquisitions as long as they can, and impress on their children the desirability of doing so too, though no such things as entails existed. Land only comes into the market when it has been bought to sell, or when deaths or reverses occur, or the owner aspires to some still better investment in land. To prohibit Land Settlements, said Mr. Lawrence, would be "to frustrate the intentions of the landowner with regard to his property;" and that, let me add, without any public beneficial object. The Settled Lands Bill, which Lord Cairns passed through the House of Lords, but which was not brought forward in the House of Commons, was a Bill to enable tenants for life under future settlements to sell, exchange, divide, or lease, as they pleased; the money received being paid to the trustees of the settlement or into court, with wide powers to apply it in improvements and re-invest in land. It was, in fact, a Bill to dispense with the consent of the trustees of the settlement. It contained fifty-nine clauses, but this was the sum of the whole. The operation of the Bill, if it had passed into law, would have been infinitesimal. The market is now full enough of estates for sale by trustees of settlements, with consent of tenants for life. The small increased facility might have brought in a few more, but not to any noticeable extent. It is difficult enough to find buyers now. This difficulty would have been slightly increased.

The next point in advance of Lord Cairns' Bill would be to make it applicable to present as well as to future settlements. The land reformers would have been equally dissatisfied with the results. Nay, the abolition of entail altogether would produce but the small result of bringing a few more estates now and then into an over-stocked market. Prudent possessors

of estates would still send them down to their children. The spendthrift would sometimes be able to get rid of his estate sooner, but it would, with every fence of entail, have been sold in the long run. I conclude, then, that the idea of preventing landowners from doing as they will with their own, by the abolition of entails, would not benefit the community at large, or any member of it, whether rich or poor. The other benefit to arise under free land by facility of transfer, is to a great extent to be attained. The Committee on Land Titles and Transfer made the following, among other recommendations:—1. The abolition of the present scale of conveyancing charges, and the substitution for it, in all cases where it is possible, of a graduated *ad valorem* scale of payment. 2. The compulsory use, as far as practicable, of short statutory forms. I have already observed upon the first of these recommendations in my address; the second speaks for itself. But it would follow the adoption of the first, as of course, even without legislation. The committee also recommended the completion of the cadastral survey, and the compulsory adoption of maps. I cannot agree in this. It would have caused expense far exceeding any benefit in shortening description or proving identity. They also recommended the local registration of deeds. In giving evidence before the committee I advocated this, under the terror of the Dimsdale frauds, in which a relative, being a trustee, had nearly suffered. But I have now returned to lifelong opinions. Mr. Lawrence gives the reasons against registration of deeds or of titles most conclusively. Lord Cairns' Bill as to conveyancing and law of property, which, like his Settled Estates Bill, passed the House of Lords, and was not taken up in the House of Commons, deals with the shortening of deeds, and also with the following additional matters, founded, in many cases, on Mr. Lawrence's address, the suggestions of the council, and the useful paper read at Cambridge by our friend Mr. Dees, of Newcastle. I hope these may all soon be passed into law. 3. The application to all purchases of stated conditions of sale, being much the same as the general conditions already used. 4. Protection to a solicitor dispensing with an investigation of title to the extent of previous investigation. 5. Provision made for search of judgments, Crown debts, &c., by officials. 6. Necessity for separate receipt on deed, or authority to receive purchase-money, abolished. 7. As to leases. Rent and covenants to run with reversion. No forfeiture, unless lessee on notice does not remedy breach or make compensation. Mortgagor or mortgagee in possession to have certain power of leasing. 8. Abolition of acknowledgments by married women. There are other minor matters in the Bill, as to which useful provision is made, but it is not expedient, in this general treatment of the subject, to go into detail. I venture to express a hope that Lord Chancellor Selborne will take up and pass Lord Cairns' Bill as to conveyancing and law of property, or something very much like it. I think it immaterial whether he does or does not take up the Settled Land Bill.

"A Suggestion for the Settlement of the Land Transfer Question."— Mr. ISHAM H. E. GILL, Liverpool, read a paper on this subject. He said:—I take it for granted that the Government, the public, and the profession, are agreed that the objects to be attained are—1. Security of title; 2. Cheap and easy transfer; and I presume that in the ensuing session of Parliament some measure will be introduced to endeavour to effect the above objects. Would it not be a satisfactory settlement of the question if the profession—1. Constructed the register; 2. Kept all transactions properly recorded; 3. Guaranteed the title of the registered proprietor, receiving for their remuneration one per cent. and disbursements in respect of every proprietor registered in the first instance, and in respect of every transaction thereafter, the Government giving up their right to stamp duties? Of course it may be said that it would be still better for the Government to give the guarantee themselves, and to take the commission; but I think it would be found that such an undertaking by the Government would not only entail on the Treasury a heavy deficit, but would also end in failure; in fact, the experience of the last two Government experiments in Land Transfer shows the impropriety of their attempting a third and more costly fiasco. How, then, can such an arrangement with the profession be practicable and profitable? My suggestions to make it practicable to work are as follows:—The kingdom, with some exceptions, is now divided territorially amongst thirty-three provincial law societies. The exceptions would either have to be added to the neighbouring societies, or form societies of their own. Each district I would hand over to the local society, and thus you would have a most able, skilled, and responsible body of men in charge of their own district. They would possess a knowledge of the titles of almost every landowner in it, and have, probably, a better acquaintance with the land than the owner himself. Their first duty would be to construct the register. Where the Government parish maps were completed, they would, of course, work upon them; but where they were not completed, they would have to take the best they could get in the meantime. Within six months every landowner (where no difficulties arose on the title) would be put on the register, and probably nine-tenths of the land in the kingdom would be disposed of. Where the registration could not take place on account of disputed pedigree or other difficulty, I would simply leave the property unregistered until an adverse title by occupation arose; but where it appeared that trespassers were in possession without a shadow of title, I would have the property registered in the society's name, to form a guarantee fund in relief of their personal liability on the transactions registered. For this registration, one per cent. commission, and any actual disbursements incurred should be charged, and a similar charge should be made in respect of any future transaction that had to be registered. I suggest that the Government should give up all duties so as to afford some relief to the landowners, as otherwise any scheme would be adding substantially to the cost of the earlier transactions, without any corresponding benefit. I do not seek to deal with the details of a land transfer scheme; they have been discussed so often during the last five years that I think I may assume that whatever form the manipulation of the register takes, whether it be registration of title or of assurances, that the society in charge will be more capable of dealing with it than any individual officer or body of officers under an official Government system. It will be seen that I propose to make the society absolutely responsible for the register, that is to say, that if they registered as proprietor a person who was not proprietor, and permitted him to transfer or incumber the property, the members of the society, individually, would have to compensate the real proprietor out of their own pockets. This consideration renders it necessary that the society should be composed of a sufficient number of responsible persons, and the Government would have power to see that such was the case. The greatest danger, of course, arises from forgery. To make this as small as possible, I would require every deed to be signed before an appointed local member of the society in each place, and the identity of the person vouched by his own solicitor. The greatest difficulty to deal with appears to me to be pedigree, and whatever scheme be adopted, so long as the register is to show title, this difficulty appears. Take, for instance, the *Shrewsbury case*. A large landowner dies. A person claims to be his heir-at-law. The evidence that was given on the trial of the *Shrewsbury case* would not satisfy any registrar, although a judgment of a competent court was obtained, because every part of the long pedigree was not proved by strict legal proof. If the successful plaintiff is put on the register, at some future time another person may succeed in establishing an adverse title. I would suggest, in such cases, a limited registry without guarantee. The next question is how to deal with the profits made by the society. If every individual member had the same amount of conveyancing business, or the same relative proportion of conveyancing business, to his general income, it would be easy, but of course it will be the fact that some firms, having almost exclusively conveyancing business, will be heavy sufferers by the change; and I would therefore suggest the following scheme for division:—That out of the payments for registration, compensation to all firms to the extent of one year's conveyancing losses should be paid, and subject to this, that the profits should be divided in proportion to the business income-tax returns of the members for the time being on the assumption that the future conveyancing business, if it had been left to the profession, would have gone to those whose capacities enabled them to make their income otherwise.

The discussion that followed mainly turned on the utility of registering deeds of transfer. Mr. BRAMLEY (Sheffield) spoke strongly in favour of registration, and brought up the opinion of the Sheffield Society on the subject, which was that some system of registration of deeds is advisable as a record of past transactions, and an impedi-

ment in the way of fraud; that attached to each county court there should be a registry of deeds affecting the property in the district; that a dictionary index of documents registered should be made, and that certificates of search should be given by the registrar at a low price.

Mr. WAKE (Sheffield) was also in favour of registration, and he was followed on the same side by Mr. IBBOTSON (Sheffield), Mr. HUGHES (Sheffield), and Mr. DODD (London).

Mr. HOWLETT (Brighton) was opposed to registration, as was also Mr. WALTERS (London).

Mr. WALLINGFORD (St. Ives) said that the true solution of the difficulty was the abolition of the doctrine of notice, tacking, and consolidation of mortgages.

Mr. W. SMITH (Sheffield) believed that the unsatisfactory state of the Middlesex Registry was the real index to what would otherwise be an unintelligible anomaly. While in Middlesex only one was in favour of registering, in Yorkshire they were hugging their chains, and bearing willingly the yoke about which Mr. Howlett had spoken.

No resolution was passed.

DEVOLUTION OF REAL ESTATES OF INTESTATES.

Mr. HENRY BIRKS' paper "On the Attitude of the Legal Profession in relation to a Suggested Alteration in the Law as to the Devolution of the Real Estates of Intestates" was then read. He was of opinion that the existing law of descent is unsuitable to present requirements; that it works injuriously, and without compensating advantages, and that it is expedient that the profession should lend its influence in aid of the proposed change to the devolution of real estates of intestates to personal representatives.

Mr. W. B. ESAM (Sheffield) believed that the abolition of the law of primogeniture would not touch large estates. If it did he would not approve of it, but he thought it would be well to abolish the law in the case of small freeholds to prevent injustice in the distribution of the property in cases of intestacy.

PROBATE DUTY.

Mr. GEORGE THATCHER (London) read a paper on "Probate Duty." After stating the history of the duty and describing the present law, he said:—The arguments generally used in favour of the present system are these: first, that no debts ought to be allowed until they are paid, and the executor may never pay them at all; second, that the debts cannot readily be ascertained immediately after the death; and, thirdly, that the duty can always be got back again on debts paid within three years of the grant, and so the estate does not really pay duty on debts at all. The remedy to the first and second objections might be found by making the executor give a list of liabilities as well as assets, and the one could be ascertained as readily as the other; and the answer to the third is, that although it may sound very well in theory, it frequently occasions great hardships in practice; as an instance of this, a manufacturer in a large way of business, whose will was proved in 1859, left assets over £130,000, the liabilities were over £110,000, so that he really died worth less than £20,000. Nevertheless, the executors had to swear the estate under £140,000, and pay a duty of £1,800, and it was not till the year 1869, when the estate had been fully administered, that they got the surplus duty of £1,400 returned to them, so that in this case Government had the use of £1,400 for ten years without interest. Practically, too, it will be found that it is not an easy task to get back overpaid duty, it is a work of time and patience. The Revenue do not seem disposed to part with money when once they have got it, and it is hardly to be credited, though a fact notwithstanding, that this spirit is so openly displayed, that applications for increase or returns are not taken in the order of their entry, but all increase cases are taken in preference to return cases, no matter how long either of the applicants have been waiting. The last part of the affidavit declares the personalty to be under a certain sum, graduated by scale. It has been said that this is not fair, and that duty ought to be only payable on the actual amount. One objection brought against this in the recent debate in the House was, that it would be impossible to keep a number of dies sufficient to impress all the requisite stamps. This could easily be obviated by an official writing a receipt for the amount on the grant, and a stamp being impressed denoting that duty paid, the same as is done in discharges for succession and legacy duty. There is, however, a far stronger reason for retaining the present system, and that is, that small assets are very liable to be overlooked on making out the list for probate, which generally has to be done before there has been full time or opportunity to look into things; and if duty were to be paid only on the actual amount, the applications for rectification on the ground of mistake would be endless; and until probate duty can be paid at the same period as legacy duty, viz., when everything has been really ascertained and accounted for, the scale system must be retained. While upon the subject of rectification of duty it may not be unprofitable to point out what may be considered one or two defects in the present system, with the hope that the publicity may be a means toward their amendment. It cannot at present be considered that the facilities for rectification are such as they should be; it ought to be the aim of the revenue authorities to assist the practitioner as much as possible in this. Cases of mistake constantly occur in practice; on the one hand, an asset may be omitted or undervalued, and an increase rendered necessary, or an overvalue may be put, or something wrongly inserted, and a return, therefore, has to be made; or it may be difficult really to ascertain the assets, or their value, until after the grant is actually obtained and the estate realized. In all these cases the Revenue ought to make the practitioner its friend, by the knowledge that if he chances to make a mistake it can easily be rectified, whereas the reverse is too often at present the case, and he knows that if too much duty is paid it may be a matter of trouble, vexation, expense, and delay, in getting it back again; and if too little, it will be nearly as bad. Let us take, for instance, the case of an undersworn administration, and see what is required to get it put right. First, the administrator has to make an affidavit for the probate registry, setting out the fact that the estate has been sworn under too small an amount and swearing it under the right one, and he and his sureties have to sign a fresh bond, or amend and re-execute the old one; upon this affidavit and bond the registrar gives a certificate that the proper additional security has been given. Then the administrator has to make out another affidavit setting out all the circumstances, and upon this and the certificate the additional duty is received. In all cases of increase the certificate of the solicitor, and a balance-sheet, ought to be enough; the mere fact of the willingness to increase the duty ought to be proof of a good faith. In cases of return, an affidavit and a balance-sheet as at present ought to be given; but the commissioners should have power to extend the time for a return in the case of a mistake: at present they can and do extend the time for return in case of debts, but unless the claim for return on the ground of mistake is made within six months after discovery of the error, they have no power to entertain the application, or extend the time; it may be said that six months is plenty of time, but circumstances may arise, such as the absence abroad, or illness of the claimants, which may render further time absolutely necessary. In cases of stamps or revoked grants, the rules of the Inland Revenue Office are especially hard; these cases are more frequent than may be imagined; for instance, it is supposed a man dies intestate, administration is taken out, subsequently a will is found; or a will may be proved, and another of later date afterwards make its appearance; in both these the first grant has to be revoked, and a new one obtained. It would be only reasonable to imagine that duty having been paid on the revoked grant, a duty paid stamp might be given for the second; but this is not so; duty has to be again paid, and the duty on the first grant is not returned in cash, but a warrant is given entitling the unfortunate applicant to a stamp of a similar denomination and amount. Let us take as an illustration a case which occurred a few months ago. A testator died possessed of household furniture, railway scrip, money in the funds, and a leasehold house; a holograph will properly attested was found giving everything to the widow, and appointing her sole executrix; this was proved under £800, and a stamp duty of £15 was paid; the executrix obtained a transfer of the scrip and stock into her own name. Some time afterwards another will of later date was found, also in the handwriting of the testator, exactly similar in other respects to the previous one; really, it was the same will, but technically it revoked the will of which probate had been obtained, and it was necessary on account of the leasehold house to prove it; the first probate was revoked, then the latter will was proved, and the duty of £15

had again to be paid; then a certificate was given by the registrar that the first grant had been revoked, and that the duty paid thereon ought to be allowed; then an application had to be made to the Commissioners of Inland Revenue, supported by affidavit, that the former grant had been revoked, and a fresh grant obtained and duty paid thereon; in fact, setting out all the circumstances, notwithstanding the registrar's certificate; then the commissioners gave a warrant entitling the executrix, not to the money, but to have a probate stamp for £15 if she happened to require such an article within a month. It should be stated, however, that, on a special application to the board they allowed the warrant to be issued to the solicitor, instead of the executrix herself; and in special cases, where the duty is very heavy, they will either pay it, or issue several warrants for smaller amounts. In all cases of this sort, however, all practitioners will agree that a denoting stamp should be granted as a matter of course. There is no doubt the commissioners are occasionally defrauded, and are obliged to exercise great watchfulness; but the way to make a man deal fairly and honourably is by dealing fairly and honourably with him, and to hold money back when there can be no question that it ought to be repaid, is calculated to afford a pretext to unscrupulous persons to themselves, in their turn, withhold from the Revenue money which ought to be paid. Surely the Government might repose more confidence in the profession than it appears to do. No class of men have greater trust reposed in them by the general public, and abuse it less, and where private individuals will confide to the honour of their solicitor, fame and fortune, surely the Revenue could do so when the amount at stake is only a few pounds, and, as before pointed out, it would be far more to its advantage to give every assistance and facility to the practitioner than to treat him with watchfulness and suspicion as is done at present: there is no wish on the part of the profession to defraud the Revenue for the benefit of their clients, the simple desire is to deal fairly by both parties and not to give the one or take from the other, more or less, than the right amount. One other point, in conclusion, and a very important one, and that is, the time of payment of the duty; at present it must be paid before the grant is issued, and before the grantee can realize a penny of the assets, not in actual cash; too often he is placed in this dilemma, to get the money to pay the duty he must get the grant, to get the grant he must get the money to pay the duty; it is like telling a man to climb to the top of a house with a ladder which is lying on its roof. Except where the estate is very small few persons die leaving sufficient ready cash to pay funeral expenses and probate duty, and the executor generally either has to provide it out of his own pocket, or get the solicitor to advance it. The period for payment presses heavily on the estates of the lower middle class, and when it is remembered that more than four-fifths of the grants issued last year were sworn under £2,000, it will be seen that it is a matter which widely concerns the general community. Take the case of a professional man dying, leaving a widow and young children, the only assets the household furniture, a few pounds in cash, and a life policy, where is the widow to find the money to pay £30 or £40 for probate duty? and this case is not at all an uncommon one. A remedy could be easily provided by letting the grant issue as at present, but allowing the duty to be paid at the same time as the legacy duty, in fact add two and a quarter per cent. to the legacy duty and the thing is accomplished; this would be a great relief, and fraud could be prevented by retaining the present list of assets and checking it with the residuary account, and taking a bond in probate as well as administration cases. Of course there should be a severe punishment for all who obtained assets and did not pay the duty, or furnish some good reason for not doing so, within a limited time. There is no reason why probate duty should not be put on the same footing as legacy duty.

Notice to Trustees' Solicitors.

Mr. R. S. Cleaver (Liverpool) read a paper on "The Practical Results of the Decision in the Case of *The Saffron Walden Building Society* v. *Rayner* (L. R. 14 Ch. D. 406)." He said, it will scarcely be necessary to make any apology for inviting the attention of this meeting to a recent judicial correction of what so excellent an authority as Lord Justice James states to be "a common misapprehension of the law." Common, moreover, not among the general public, but among ourselves. Whether the misapprehension exists to the extent, and is precisely of the nature charged by the Lord Justice, is probably a matter on which opinions will differ, but that the course of practice based on this alleged misapprehension, which has proved disastrous to the plaintiffs in this case, is one extensively adopted by the profession, there cannot be much doubt. The fallacy which the Lord Justice hopes he has demolished is, in the language of his judgment, that of supposing "that there is such a thing as the office of solicitor; that is to say, that a man has got a solicitor, not as a person whom he is employing to do some particular business for him, either conveyancing, scrivening, or conducting an action, but as an official solicitor, and that because the solicitor has been in the habit of acting for him, or been employed to do something for him, that solicitor is his agent to bind him by anything he says, or to bind him by receiving notices or information." In the case in hand the question was as to the sufficiency of the service of notice of incumbrance of a reversionary interest on the solicitors of the trustees, and the judgment proceeds—

"There is no such office known to the law. A man has no more a solicitor in that sense than he has an accountant, or a baker, or a butcher. A person is a man's accountant, or baker, or butcher, when the man chooses to employ him or deal with him, and the solicitor is his solicitor when he chooses to employ him and in the matter in which he is so employed. Beyond that the solicitorship does not extend, and a man is not an agent for the purpose of receiving notice of an incumbrance created by a *cestui que trust* because he was the solicitor employed to invest the moneys, or even because afterwards he, for convenience, received from the mortgagor the interest, and handed it, by direction of the trustees, to the different persons entitled to receive it."

After stating the facts of that case (see 28 W. R. 681), the reader said: The facts of the case disclose an instance of what, as regards the action of the plaintiffs and the solicitors to the trustees is surely a matter of constant occurrence in the profession. According to common knowledge and reputation, a respectable firm of solicitors act in the business of a particular trust. They are known to have acted for the testator, to have proved the will, to have invested money for the trustees, and received and paid over the interest on such investments, and, further, to have acted for the trustees in a chancery suit, to which the testator was a party. An intending incumbrancer of a share in the estate applies to them for information, and in their reply they state: "We are solicitors for the trustees of the late John Hardy," a statement which seems to have been very well founded, and to savour nothing of misrepresentation. The incumbrancer was content, under the circumstances, to serve notice of his charge on the solicitors for the trustees, as—James, L.J., to the contrary notwithstanding, we must continue to call them—and it is apprehended that nine practitioners out of ten would have been content to do likewise. Both, as we now learn—the one in serving and the other in receiving the notice—were acting under an opinion, erroneous in point of law, that the employment of the latter as solicitors enabled them effectually to accept service of the notice. We are told in the language of the judgment, "that before a notic of this kind of a charge upon the property can be of the slightest validity, it must be given, if given to a solicitor, to a solicitor who is actually, either expressly or impliedly, authorised as agent to receive such notices, and," so says the Lord Justice, "I am of opinion that the solicitors in this case were not so authorised." No prudent practitioner will, after this decision, trust anything to implication in such matters; therefore we may disregard that part of the *dictum* as useless, and read it as laying down that express authority to the solicitor is essential to the validity of his acceptance of service of a notice. In the absence of such express authority the incumbrancer must be in a position to show "that the mind of the trustee has in some way been brought to an intelligent apprehension of the nature of the incumbrance which has come upon the property, so that a reasonable man or an ordinary man of business would act upon the information and would regulate his conduct by it, in the execution of trust" (per L.C. Cairns, *Lloyd* v. *Banks*, L. R. 3 Ch. 488). These being the alter-

natives, it is obvious that personal service of notices on all the trustees of the property affected must henceforth be the rule, unless some satisfactory mode of avoiding the inconveniences of such a course can be devised. Trustees, a term which for this purpose must be taken to include mortgagees, to the number perhaps of three, four, or five, may have various residences, and personal service on each, either by the incumbrancer or his agent, would frequently entail expense disproportionate to the amount involved. Moreover, the process of personal service of legal documents of any nature is disagreeable to those who are unable at once to appreciate their purport. A reference of the matter to the solicitor for the trust becomes desirable, if not inevitable, with the result that his charges, if he is paid any, fall not, as they ought to do, on the incumbrancer, but on the trustee. On the other hand, trustees cannot be called upon to give an acknowledgment of receipt of a notice. In short, on all grounds convenience would dictate that the solicitor should be the medium of reception of the notice, and it would then rarely happen that the trustees would fail to acquire that "intelligent apprehension of the nature of the incumbrance" which has been held to be requisite on their part. The case before us affords an instance of failure of due communication between the trustees and their solicitor, and it remains to consider how the dangers of such eventualities may best be avoided. A suggestion that solicitors should arm themselves with express authorities from their trustee clients to accept service of all notices affecting the property of the trust would probably lead to no practical result. It would be requisite that such a practice should be invariable, or the benefits it was designed to confer would frequently be found unattainable when most wanted. Perhaps the lessons of this case point rather to the recognition and extension of the principle of the agency of the trustees' solicitor. Provided the incumbrancer be willing to pay his proper charges there should be no hesitation on his part, having regard to the convenience of all concerned, to undertake such agency. If the solicitor be asked to accept service of the notice, it is customary to pay his charge therefor, but henceforth, at least, it will not be considered safe to regard the process as concluded here. Evidence should be available both to solicitor and incumbrancer, that each trustee has intelligent apprehension of the notice; and if this be secured through the medium of the solicitor, the cost will fall on those who ought to bear it. The case has one more lesson. The solicitors for the trustees narrowly escaped being made liable in damages for the results of their alleged misrepresentation that they were the solicitors for the trustees. They escaped chiefly because the incumbrancers were partakers with them in the erroneous impression that, because for previous purposes they had been solicitors to the trustees, notice to them was notice to the trustees. The safe course will now be to abstain from all representations of this nature, and to confine ourselves to the signification of our willingness to act as the agents of others for the purpose of communications with our clients. The result is not one which tends to magnify our office. The analogy of the shopkeeper is prayed in aid for the purpose of illustrating the nature of our daily employment. That time-honoured institution, "the family solicitor," is threatened with extinction. And thus we are fain to discuss how we shall with the greater decency shuffle off our ancient pretensions, and conform ourselves and our practice to these, the latest judicial definitions of our true functions.

Mr. HOWLETT (Brighton) in the interest of the profession rejoiced to see this decision. He thought those solicitors who received notices on behalf of their clients were indulging in a dangerous practice, and one which involved them in responsibility which, until this case was decided, they hardly conceived.

Mr. J. N. COOMBE (Sheffield) said there appeared to be a very simple remedy for this question. He should suggest that the person who had probate for the time being should be the person to whom notice of any incumbrance should be given, and that probate should be searched from time to time, like the registry was.

Mr. B. WAKE (Sheffield) said that the practical result of this case was, that the advice given for long years to trustees, "Never accept a trust and never act at all," will be intensified. He would advise a trustee never to act without a solicitor, for the responsibility was enormous.

Mr. COOPER (Manchester) moved, and Mr. R. R. DEES (Newcastle-on-Tyne) seconded, "That the council be requested to consider what course should in future be taken in practice in consequence of the decision in the case of *Saffron Walden Benefit Building Society* v. *Rayner*."

The motion was carried.

DERBYSHIRE MINES.

Mr. B. WAKE read a paper on Lead Mines in Derbyshire, which elicited no discussion.

The PRESIDENT announced that the time had now expired, and the two last papers by Mr. Blyth and Mr. Godfrey would have to be taken as read. They would, of course be published in the transactions of the society.

A vote of thanks was then given to the local society for their hospitality, which was warmly received.

Mr. HERBERT BRAMLEY, the local secretary, whose name elicited great cheering, replied.

Thanks were also accorded to the Mayor and Master Cutler for their welcome to town; to the readers of papers and to the president.

In the evening there was a *conversazione* and dance in the Cutlers' Hall.

Cases of the Week.

PARTNERSHIP—RECEIVER—COSTS.—A motion for the appointment of a receiver was made on the 6th inst. in *Moir* v. *Paddon*, before the Vacation Judge, under the following circumstances:—A Mr. Dicas entered into partnership with the defendant for fourteen years, and died during the term. Notwithstanding his death, the defendant continued to carry on the business, using the assets of the firm; but it appeared that he had offered to give security to the plaintiff (who was Mr. Dicas' executor) for what he alleged to be the amount of his testator's share, but this amount was disputed. For the plaintiff, *Harding* v. *Glover*, 18 Ves. 281, and Lindley on Partnership, 4th ed. 1011, were referred to. LORD COLERIDGE, C.J., refused the motion, with costs, but directed a reference to chambers to ascertain the amount of the plaintiff's share of the assets, and ordered the defendant to give security for £500 within a fortnight.—SOLICITORS, *Hicks & Arnold; W. F. Stokes.*

STREAM—DIVERSION—POLLUTION—RIPARIAN OWNER.—On the same day the plaintiff in *Richards* v. *Peilo Taplate Company, Limited*, moved to restrain the defendant from damming up, diverting and polluting a small stream in Glamorganshire, so as to interfere with the supply of water to the plaintiff's weir. In opposition to the motion it was contended that, in the present case, the company had only taken a reasonable quantity of water, having regard to the purpose for which it was required. Both parties were riparian owners. Lord COLERIDGE, C.J., said that the test of reasonableness as to quantity was not the amount required by the abstracting owner, but the amount diverted by him from other owners. Ultimately the defendant gave an undertaking not to return any heated or polluted water into the stream above the plaintiff's weir, and no order was made on the motion.

The Registration Courts.

MID SOMERSET.—(Mr. HOOPER).—Sept. 29.

Claim in respect of sequestrated living.

The Rev. J. H. Evans was objected to on the ground that, as the living had been sequestrated, the whole of the profits and benefits arising out of it were vested in the sequestrators. The reply to this contention was that although the living was sequestrated the vicarage house was not so, the latter being a freehold, and that the bishop had no control over the house so far as the sequestration was concerned. It was elicited that Mr. Evans did not live in the house now.

Mr. *Serel* (Conservative) said Mr. Evans, who claimed

for a freehold house and land, might come back to-morrow if he liked. The sequestration did not affect the house.

THE BARRISTER said the point raised was new to him, but he should allow the vote.

TAUNTON.—(Mr. HOOPER).—Oct. 2.

Tithe rent-charge.

Mr. *Trevor* (Conservative) claimed a vote on behalf of Mr. John Chatworthy Aiken, a Bristol merchant, in respect of the forty-first share of a freehold tithe rent-charge at Creech St. Michael, of a greater annual value than 40s.

Mr. *Cook* (Liberal) opposed the vote. It appeared that Mr. Herbert Meade King sold, on behalf of himself and co-trustee, Mr. R. J. Beadon, to Messrs. C. B. Hare, John Harvey, and Bigg, of Bristol, as representing forty-one purchasers, for the sum of £2,378, commuted annual rent-charges in the parish of Creech St. Michael amounting to the clear annual sum of £128 1s. 2d., and each person interested in the purchase was to be entitled to his share as from the 1st of January, 1880. It transpired, in the course of Mr. Cook's examination of Mr. Meade King, that no purchase-money had been paid, and that, although interest had become due, and was payable on the 1st of January, none had been actually paid.

THE BARRISTER said this was fatal to the claim. It had been laid down in *Orme's case* (L. R. 8 C. P. 281), before the Court of Common Pleas in 1873, that the contract amounted to nothing unless there had been actual manual receipt of the tithes, and it was laid down in *Hadfield's case* (L. R. 8 C. P. 306) that actual possession meant possession in fact, in contradistinction to possession in law, and there must be an actual manual receipt of the rent itself or part of it. Being entitled to the rent was not tantamount to being in possession of it. Claim was disallowed.

SOUTHWARK.—(Mr. HURRELL).—Oct. 3.

Fictitious claims.

THE BARRISTER called attention to the forged or fictitious claims which had come before him in the course of his revision. These were confined to three parishes—Bermondsey, St. George's, and St. Saviour's—more especially to the first-named parish. He had considered these cases, but he had not as yet had time to give them such consideration as to enable him to say whether he should submit them to the Secretary of State. In the meantime, however, he had to request that the vestry clerks of the parishes named should make out and hand to him an authentic list of these claims, retaining the original claims in their own custody, so that, if afterwards required, they could be produced by the proper custodians of them. If he found that there was sufficient in those claims to justify him in submitting them to the Secretary of State, the vestry clerks would, of course, be communicated with on the subject. In respect of the youth, Henry Jacobs, who was before him at Bermondsey on Monday, as one of the actors in getting up these fictitious claims, he certainly erred in ignorance, and was the cat's-paw in the hands of others more knowing than himself. He was a very young man, of excellent character, and he (Mr. Hurrell) did not think the Secretary of State would proceed against him unless he saw that by so doing he would be enabled to bring the actual wire-pullers to punishment. He wished, however, to have a list of these claims in the three parishes; and should ulterior measures be decided on, the parish authorities would be communicated with.

The vestry clerks of the three parishes named, being present, stated that they would hand the Revising Barrister the required lists at once.

Notice of objection.

The claim of Mr. Edward Alcock, of 151, Fort-road was objected to on the ground that he did not reside there. It appeared that the notice of objection was taken to the house, but that the messenger, not finding Mr. Alcock there, the paper was brought away.

Mr. *Parish* (Liberal) contended that if the notice was sent to the house, and the person could not be found, the Act of Parliament had been complied with, and it was right not to leave the notice at the house. A postman, under the same circumstances, would not leave a letter, which would be returned through the dead letter office.

Mr. *Barker* (Conservative), urged that the notice of the objection had not been left at the house. It should have been left at the last known place of abode.

Mr. *Parish* said he had two witnesses who had been to the house, and they were told that Mr. Alcock did not reside there.

THE BARRISTER said it appeared to him that the service must be personal, or it should be left at the last known place of abode. If the notice were taken to the house and brought back he could not see how it could be said to be properly served.—Mr. *Parish*: But if you go to the house and the person is not there?—THE BARRISTER: You could leave the notice under the door.—Mr. *Parish* remarked that the spirit of the Act was that a fair effort should be made to find out the person and did not bind them to leave the notice at the house.—THE BARRISTER thought it must be proved that due diligence was used to find out the person.—After some further discussion,

THE BARRISTER gave the following decision:—Notice of objection must be personally served at the place of abode, or at the last known place of abode, and in the latter case it must be shown that reasonable efforts have been made to effect service, provided the service has not been made by and through the post.

Obituary.

MR. WILLIAM PETTIT DEWES.

Mr. William Pettit Dewes, solicitor (of the firm of Dewes & Musson), died rather suddenly at Ashby-de-la-Zouch on the 15th ult. Mr. Dewes was the son of Mr. William Dewes, solicitor, clerk to the megistrates at Ashby-de-la-Zouch, and was born in 1823. He was articled to his father, and was admitted a solicitor in 1847. He had ever since practised at Ashby-de-la-Zouch, having been formerly associated in partnership with his father and with his brother, Mr. Charles Saunders Dewes, but more recently with Mr. William Alfred Musson. The firm had a good private practice. Mr. Dewes had been for about twelve years registrar of the Ashby County Court (Circuit No. 20). He was also clerk to the Ashby and Swadlincote Local Boards. Mr. Dewes was an active supporter of the Conseratvive cause. He was a man of generous and charitable disposition, and had contributed liberally to the restoration of Ashby church. He leaves a widow andfour children. He was buried at Ashby-de-la-Zouch on the 20th ult.

MR. GEORGE BROWNE, Q.C.

Mr. George Browne, Q.C., recorder of Ludlow, died at Calverley-park, Tunbridge Wells, on the 19th ult., after a very long illness. Mr. Browne was the second son of the late Mr. John Browne, of Hall Court, Herefordshire. He was born in 1825, and was educated at Jesus College, Cambridge. He was called to the bar at the Inner Temple in Trinity Term, 1849, and practised for many years on the Oxford Circuit, and at the Gloucestershire and Herefordshire Sessions, where he long enjoyed a good share of criminal business, and since 1857 he had had a good probate and divorce practice, having been engaged in many very important suits, including the *Chetwynd case*, the *Mordaunt case*, and *Sugden v. Lord St. Leonards*. Mr. Browne was for many years a revising barrister, and also one of the board of classical examiners appointed by the Four Inns of Court, and he had been recorder of the borough of Ludlow since 1873. Three or four years ago his health failed, and although he remained at work as long as he possibly could, he was compelled to retire altogether from practice. In March last he received a silk gown from Lord Cairns, but since that time he had not appeared in court. He was married to the daughter of the late Mr. John Greatorex. Mr. Browne was a man of kind and genial disposition, and his death will be lamented by a very large circle of professional friends.

MR. JAMES CROSBY.

Mr. James Crosby, barrister, died at Georgetown, Demerara, on the 30th of August. Mr. Crosby had been for nearly forty years in the colonial service of the Crown. He was born in 1806, and was educated at a private school at Greenwich, where he is said to have been a schoolfellow of Lord Beaconsfield. He then proceeded to Trinity College, Cambridge, where he graduated B.A. in 1826. He was called to the bar at the Middle Temple in June, 1830, and was formerly a member of the Western Circuit. In 1844 he was appointed police magistrate in the Island of St. Vincent for the Kingston District, and he also practised at the bar in the colony. In 1853 he became Speaker of the House of Assembly of St. Vincent, and afterwards acted as Colonial Treasurer. In 1857 he was appointed a stipendiary magistrate in British Guiana, and in 1862 he became Immigration Agent-General for that colony, which office he held until his death. He was a member of the Court of Policy, and had acted as a puisne judge of the Supreme Court of British Guiana. During Mr. Crosby's residence in St. Vincent he was Lieut.-Colonel of the Southern Regiment of the St. Vincent Militia. In his capacity of Immigration Agent-General Mr. Crosby had done much to improve the condition of the Coolies in British Guiana.

MR. JAMES FLOWER FUSSELL.

Mr. James Flower Fussell, solicitor (of the firm of Fussell, Prichard, Swann, & Henderson), of Bristol, died at Abbot's Leigh on the 25th ult., after a long illness. Mr. Fussell was born in 1819, was admitted a solicitor in 1840, and had practised for forty years at Bristol. He first joined Mr. Charles Savery and Mr. Edward Clerk, and the firm afterwards included also Mr. Fosket Savery. Mr. Fussell had been for many years at the head of the firm, and in partnership with Mr. Charles John Collins Prichard, and with his two sons-in-law, Messrs. Edward James Swann and James Henderson. He had an extensive private practice, and had for many years conducted the legal business of the Bristol and Exeter Railway Company. He was also solicitor to the Bristol Cemetery Company, the Bristol General Steam Navigation Company, the Bristol Waterworks Company, and other important local bodies. He was one of the original members of the Bristol Incorporated Law Society, and had filled the post of president of that body. Mr. Fussell was buried at Abbot's Leigh on the 29th ult. He leaves a widow, two sons, and four daughters.

MR. WILLIAM SALTER.

Mr. William Salter, solicitor, died at Chard on the 18th ult. after a short illness, at the age of eighty-nine. Mr. Salter was born in 1791. He was admitted a solicitor in 1845, having been for many years a clerk in the office of the late Mr. Thomas Edward Clarke, to whom he was articled, and to whose practice he succeeded. At a later date he was joined by Mr. Edward Clarke, and Mr. John Thomas Bent Lukin, the present mayor of Chard, but he relinquished practice about ten years ago, being then nearly eighty years old. He was a perpetual commissioner for Somersetshire, and had a large private practice. He was steward of the Manor of Chard, and was for several years clerk (jointly with the late Mr. Charles Benjamin Tucker) to the county magistrates at that place. He was for several years a member of the Chard Town Council. In 1847 he was elected an alderman, which position he filled till his death, and he had been six times mayor of the borough. Mr. Salter had been twice married, and he leaves two daughters. He was buried at the Chard Cemetery on the 23rd ult.

MR. ROBERT WILLIAM PARMETER.

Mr. Robert William Parmeter, solicitor, many years clerk of the peace for Norfolk, died at Aylsham, on the 26th ult., at the age of eight-five. Mr. Parmeter was born in 1795, and was admitted a solicitor in 1818. He was a perpetual commissioner for the county of Norfolk, and had a large number of clients in the town and neighbourhood of Aylsham. He was for many years in partnership with the late Mr. Robert Copeman, whom he succeeded in 1841 in the office of clerk of the peace for the county of Norfolk. He held that office till about ten years ago, and a year or two later he relinquished his practice on account of failure of health.

MR. JOHN WATSON.

Mr. John Watson, solicitor, of Dyers' Hall, Dowgate-hill and of 22, Highbury New-park, died suddenly in Kendal Church, on the 26th ult., from disease of the heart. Mr. Watson was born at Kendal in 1829. He served his articles with Mr. Christopher Thornton Clark, of Lancaster, and with Messrs. Johnson & Weatherall, of 7, King's Bench-walk, Temple, and he was admitted a solicitor in 1862. He formerly practised at 30, Coleman-street, but in 1876 he was elected clerk to the Dyers' Company, and he had since had his offices at Dyers' Hall. Mr. Watson was spending the vacation at Kendal. On Sunday, September 26, he was apparently in good health, and he took a long walk in the afternoon. He went to the evening service at Kendal Church, and during the voluntary on the organ before the service he was taken ill, and died in a few minutes. He was buried at the Kendal Cemetery on the 29th ult. The sad event has caused great sorrow both at Kendal and in the neighbourhood of Highbury, where the deceased resided. He leaves a widow and six children.

MR. WILLIAM GRAY.

Mr. William Gray, solicitor, of York, died at Eller Close, Grasmere, on the 25th ult. Mr. Gray was the son of Mr. Jonathan Gray, solicitor, of York. He was admitted a solicitor in 1828, and had practised at York for over fifty years. He was formerly in partnership with his father, and at a more recent date with his son. Mr. Edwin Gray was associated with him. Mr. Gray had a large private practice which had been carried on by members of his family for nearly a century, and he was the legal adviser of the leading county families in Yorkshire. He was a perpetual commissioner for the city of York and for the North and East Ridings of Yorkshire, and he for many years discharged the duties of under-sheriff for the county. Mr. Gray was a liberal supporter of the Church Missionary Society, and other religious bodies. He took an active part in municipal business, and he was Lord Mayor of the city of York in 1845. His death has caused a feeling of regret among all classes. He was buried at St. Maurice's Church, York, on the 29th ult.

Appointments, Etc.

Mr. Daniel Travers Burges, solicitor, of Bristol, has been appointed Town Clerk of that city, in succession to Mr. William Brice, resigned. Mr. Burges is the son of Mr. Daniel Burges, many years town clerk of Bristol. He was admitted a solicitor in 1862, and he has been first clerk in the town clerk's office since 1875.

Mr. Thomas Henry Farrer, barrister, has been appointed a Magistrate for the County of Surrey. Mr. Farrer is the eldest son of Mr. Thomas Farrer, and was born in 1819. He was educated at Balliol College, Oxford, where he graduated second class in classics in 1840. He was called to the bar at Lincoln's-inn in Michaelmas Term, 1844. He formerly practised in the Court of Chancery, and has been for several years principal secretary to the Board of Trade.

Mr. William Francis Finlason has been appointed a Revising Barrister. Mr. Finlason is a graduate of Trinity College, Dublin. He practised for several years as a special pleader, and he was called to the bar at the Middle Temple in Michaelmas Term, 1851. He is a member of the South-Eastern Circuit.

Mr. Richard William Ford, solicitor and notary, of Portsmouth, Gosport, and Havant, has been elected Clerk of the Peace for the Borough of Portsmouth, in succession to

his brother, the late Mr. Henry Ford. Mr. R. W. Ford is solicitor to the Portsmouth and Ryde Steam Packet Company, the Portsmouth Waterworks Company, and the Portsmouth Streets Tramway Company, and he was till recently alderman for the borough. He was admitted a solicitor in 1843, and is in partnership with his son, Mr. Douglas Morey Ford.

Mr. William Thomas Greenhow, barrister, has been appointed Judge of County Courts for Circuit No. 14, in succession to Serjeant Henry Tindal Atkinson, who has been transferred to Circuit No. 55. Mr. Greenhow was educated at University College, London, and he graduated LL.B. of the University of London in 1852. He was called to the bar at the Middle Temple in Easter Term, 1854. He is a member of the North-Eastern Circuit, and he has been recorder of the borough of Berwick-upon-Tweed since 1870.

Mr. Eyre Lloyd, barrister, who has been appointed Secretary to the Knaresborough Election Commission, was called to the bar at the Inner Temple in Hilary Term, 1859. He practises on the South-Eastern Circuit.

Mr. John Thomas Bent Lukin, solicitor (of the firm of Clarke & Lukin), of Chard, has been elected an Alderman for that borough. Mr. Lukin is mayor of Chard for the present year. He was admitted a solicitor in 1850, and is clerk to the county magistrates.

Mr. Kenneth Augustus Muir Mackenzie, barrister, has been appointed Principal Secretary to the Lord Chancellor, in succession to Mr. Ralph Charlton Palmer, who has been appointed clerk of the Crown in Chancery. Mr. Mackenzie is the third son of the late Sir John Muir Mackenzie, baronet, and was born in 1845. He was educated at the Charterhouse and at Balliol College, Oxford, where he graduated second class in classics in 1868. He was called to the bar at Lincoln's-inn in Easter Term, 1873.

Mr. George Beverley Smith, solicitor, of Salisbury, has been elected Secretary to the Salisbury Infirmary, in succession to Mr. Philip Watson Ottaway, resigned. Mr. Smith is the son of Mr. George Smith, solicitor, coroner, and treasurer for the city of Salisbury, and he was admitted a solicitor in 1878.

DISSOLUTIONS OF PARTNERSHIPS.

Henry John Davis and Frederick John Justice, solicitors, Newport, Monmouth (Davis & Justice). The business will in future be carried on by the said Henry John Davis alone. Oct. 1.

Morris Charles Jones, Robert Paterson, Morris Paterson Jones, and Robert Paterson, jun., solicitors, Queen's-buildings, Dale-street, Liverpool (Jones, Paterson, & Co.). So far as regards the said Morris Charles Jones only. Robert Paterson, Morris Paterson Jones, and Robert Paterson, jun., will continue to carry on the said business. Oct. 1.

George Rae and Henry Thompson, solicitors and conveyancers, Liverpool (Rae & Thompson). Henry Thompson will continue the said business in his own name. Sept. 30.

[*Gazette*, Oct. 5, 1880.]

Companies.

WINDING-UP NOTICES.

Joint Stock Companies.

Limited in Chancery.

East Cannock Colliery Company, Limited.—Petition for winding up, presented Sept 30, directed to be heard before the M.R. on Nov 6. Duignan and Smiles, Bedford row, agents for Duignan, Lewis, Williams, and Elliot, Walsall, solicitors for the petitioner

Hull Cement and Lime Works, Limited.—Petition for winding up, presented Sept. 13, directed to be heard before the M.R. on Nov. 6. Weed and White, Poultry, agents for Thorp and Firth, Kingston-upon-Hull, solicitors for the petitioning company

North Buckley Colliery and Fire Brick Company, Limited.—By an order made by Pollock, B., sitting as vacation judge, dated Sept 8, it was ordered that the voluntary winding up of the company be continued. Layton and Jacques, Ely place, Holborn, agents for Lancaster and Wright, Bradford, solicitors for the petitioner

Ossett Tanning Company, Limited.—By an order made by the Lord Chief Justice of the Common Pleas, dated Sept 22, it was ordered that the company be wound up. Michael Abrahams and Co., Old Jewry, solicitors for the said petitioner

[*Gazette*, Oct. 1.]

Bank and Mercantile Supply Association, Limited.—Creditors are required, on or before Nov 5, to send their names and addresses, and the particulars of their debts or claims, to Charles J. Angus, Finsbury circus

East Cannock Colliery Company, Limited.—Petition for winding up, presented Sept 30, directed to be heard before the M.R. on Nov 6. Duignan and Smiles, Bedford row, agents for Duignan, Lewis, Williams, and Elliat, Walsall, solicitors for the petitioner

Monydd Gorddu Lead Mine Company, Limited.—Creditors are required, on or before Nov 6, to send their names and addresses, and the particulars of their debts or claims, to Mr. A. W. Snelling.

Mineral Corporation of Great Britain, Limited.—Creditors are required, on or before Oct 15, to send their names and addresses, and the particulars of their debts and claims, to Stacpoole and Son, Pinner's Hall, Old Broad st

Patent Lionite Manufacturing Company, Limited.—V.C. Malins has fixed Oct 13, at 11, at his chambers, Staple inn, for the appointment of an official liquidator

[*Gazette*, Oct. 5.]

Unlimited in Chancery.

Great Britain Fire Insurance Company.—Petition for winding up, presented Sept. 7, directed to be heard before the M. R. on Nov. 6. Harvey, Old Jewry, solicitor for the petitioner.

[*Gazette*, Oct. 5.]

Friendly Societies Dissolved.

Ross Friendly Society, Boys' National Schoolroom, Ross, Sept. 28.

Widow and Orphans' Fund of the Swindon District, Manchester Unity of Old Fellows, King's Arms Inn, Old Swindon, Sept. 28.

[*Gazette*, Oct. 1.]

Ashton-under-Lyne Miners' Widows, Orphans, Superannuation, and Funeral Society, Register No. 6861, Pitt and Nelson Hotel, Ashton-under-Lyne, Sept. 30.

[*Gazette*, Oct. 5.]

Law Students' Journal.

UNITED LAW STUDENTS' SOCIETY.

A meeting of this society was held on Wednesday, the 6th inst., at Clement's-inn, Mr. Dowson in the chair. The business of the evening commenced with the reading of the half-yearly report by the secretary, whereby it appeared that the number of members had increased, and the attendance at, and the character of, the debates had much improved. The motion on the paper was, "That Afghanistan should be completely evacuated." Mr. Spence opened the debate in the negative, and was opposed by Messrs. Napier, Owen, Maxwell, Pickersgill, and Shirley. Mr. Spence replied, and after a division the motion was carried by a majority of five votes. The next debate at Clement's-inn will take place on Wednesday, the 13th inst., when the subject will be "That the Land League agitation in Ireland ought to be suppressed as treasonable."

County Courts.

SURREY.

(Before H. J. Stonor, Esq., Judge.)

Sept. 25.—*West* v. *Phœnix Gas Light and Coke Company.*

The plaintiff sought to recover the sum of £9 3s. 8d., which he had paid to the company under the following circumstances:—On the 30th of June last the plaintiff moved into the Beehive public-house, Warner-street, New Kent-road, and upon the following day an official of the gas company called upon him, and demanded the above sum of money, which he said had been left unpaid by the previous tenant. Mr. West told him that he was not liable for other peoples' debts, whereupon the official said if the money was not paid into the office by noon the gas would be cut off. The money was not paid, and the gas was cut off at two o'clock, putting the plaintiff to great inconvenience. Finally, to save further

trouble, Mr. West paid the money, and the gas was again supplied. The present action was brought to recover the sum of money, which, it was argued, was obtained by undue pressure.

Lyon, who appeared for the plaintiff, quoted the Act of Parliament relating to gas companies, &c.—viz., 34 & 35 Vict. c. 41, 39, by which it is enacted that "in the case of any consumer of gas supplied by the undertakers leaving the premises where such gas has been supplied to him, without paying the gas rent or meter rent due from him, the undertakers shall not be entitled to recover from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant has undertaken with the former tenant to pay, and to release him from the payment of such arrears." No such agreement had been made by his client, and therefore the money had been obtained unlawfully and under undue pressure.

Metcalfe, for the defendants, said that the reason of the action taken was that the company had a suspicion that there was collusion between the incoming tenant and the late tenant.

The plaintiff, however, upon being put into the box, swore that he had not known until after he had got into the house that there was any gas money owing, and he had most certainly not promised to pay the money.

His HONOUR gave a verdict for the plaintiff, with costs.

Creditors' Claims.

CREDITORS UNDER 22 & 23 *VICT. CAP.* 25

LAST DAY OF CLAIM.

ASHLEY, ASHER EDWARD, Oswestry, Salop, Brewer. Oct 25. Thomas, Cross st, Oswestry

ATKINSON, JOSEPH, Shipley, York, Gent. Nov 1. Morgan and Morgan, Shipley

BAGNALL, BENJAMIN, Birmingham, Publican. Oct 29. Ansell Birmingham

BARRINGTON, WILLIAM, White Lion st, Norton Folgate, Pickle Merchant. Oct 25. Clapham and Fitch, Bishopsgate Without

BLADON, THOMAS WILLIAM, Birmingham, Bedding Manufacturer. Nov 1. Wright and Marshall, Birmingham

BOWES, JOHN, Helmsley, York, Spirit Merchant. Nov 1. Pearson, Helmsley

BROTHERS, FRANCIS WILLIAM, Chorley, Lancaster, Gas Engineer. Oct 16. Malam Brothers, Blackburn

CAMPBELL, JAMES, Chichester, Sussex, Esq. Oct 30. Wordsworth and Co, Threadneedle st

CLEMENT, MARY ANNE, Westbury-upon-Trym, Bristol. Nov 25. Brittens and Co, Bristol

CROSBY, SARAH, Holbeach, Lincoln. Nov 17. Caparn and Co, Holbeach

DOMBRAIN, WILLIAM, Canterbury, Gent. Nov 10. Hallet and Co, Ashford

FRANKCOM, FRANCIS, Little Badminton, Farmer, Nov 8. Cosham, Bristol

HUDSON, JOHN, Cleveland, U.S.A., Tailor. Nov 20. Nicholson, Morpeth

HUDSON, THOMAS THOMPSON, Heaton, York, Farmer. Nov 1. Morgan and Morgan, Shipley

JACOBS, MATTHEW HENRY, Budge row, Cannon st, Solicitor. Dec 31. North and Sons, Leeds

KAY, ABRAHAM, Halliwell, nr Bolton, Gardener. Oct 25. Gerrard, Bolton

LITTLE, WILLIAM HENRY, Southsea, Southampton, Captain in H.M.'s Navy. Oct 31. Freshfield and Williams, Bank bldgs

MAYES, JOHN, Loughborough, Leicester, Hosier. Nov 1. Deane and Hands, Loughborough

NICHOLAS, TREW, Downham, Cambridge, Farmer. Nov 5. Archer and Son, Ely

PAYMORE, JOSEPH, Stafford pl South, Pimlico. Nov 1. Lefroy and Sheppard, Robert st, Adelphi

PERRIDGE, CAROLINE, Leather lane, Holborn. Oct 31. Smith, Aldersgate st

RILEY, BENJAMIN, Louth, Lincoln, Maltster. Nov 23. Bell, Louth

SEAGROVE, WILLIAM JAMES, Portsea, Southampton. Nov 1. Edgcombe and Co, Portsea

SMITH, JOHN, Laughton, Sussex, Farmer. Nov 30. King and Son, Brighton

WATKINSON, JOHN DANIEL, Doncaster, Gent. Nov 24. Taylor, Wellington

WELCH, THOMAS SMITH, Fleet, Lincoln, Farmer. Nov 17. Caparn and Co, Holbeach

[*Gazette*, Sept. 24.]

ALDOUS, ELIZA, Bath. Nov 23. Andrews and Co, Weymouth

BALDY, JOHN HAWKER, Sandal Magna, nr Wakefield, Commission Agent. Dec 1. Wainwright and Mason, Wakefield

BEST, ELEANOR, Kelston, Millbrook, nr Southampton. Dec 17. Edmunds and Holmes, Worthing

BREACH, ROBERT, Steyning, Sussex, Woolstapler. Nov 23. Woods and Dempster, Brighton

BERTON, FREDERICK, Belvedere rd, Upper Norwood, Esq. Dec 1. Clarke and Calkin, Great James st, Bedford row

BRIERLY, JAMES, Stackstead, Lancaster, Colliery Proprietor. Oct 30. Ashworth, Waterfoot

BROOK, SAMUEL, Huddersfield, Farmer. Dec 1. Craven and Sunderland, Huddersfield

CHAPMAN, JAMES, Wells-next-the-Sea, Norfolk, Maltster. Dec 31. Stanley, Norwich

CRESWELL, REV. SAMUEL, Radford, Nottingham, Clerk. Oct 9. Brittle, Nottingham

FREETH, MARY ANN, Birmingham. Oct 25. Wragge and Co, Birmingham

GARDINER, ELIZABETH, Devonport. Nov 2. Hutchings, Devonport

GEARING, WILLIAM, Brighton, Farmer. Nov 30. King and Son, Brighton

GRAY, THOMAS, Sheffield, Gent. Oct 30. Rodgers and Co, Sheffield

HALL, WALTER, Old Broad st, Esq. Nov 1. Phelps and Co, Gresham st

HARRISON, WILLIAM, Rotherham, York, Railway Wagon Builder. Dec 6. Broomhead and Co, Sheffield

HARVEY, JAMES, Yeovil, Somerset. Oct 21. Bollen, Yeovil

HAWTHORN, THOMAS, Newcastle-upon-Tyne, Engineer. Nov 1. Laws and Co, Newcastle-on-Tyne

HOLT, THOMAS, Elton-within-Bury, Lancaster, Clogger. Oct 31. Grundy and Co, Bury

JOHNSON, ROBERT, Newcastle-upon-Tyne, out of business. Nov 8. Chartres and Co, Newcastle-upon-Tyne

LACROIX, JEAN PIERRE, Brighton, Provision Merchant. Nov 25. Stevens and Son, Brighton

LEATHERDALE, JAMES, Wakes Colne, Essex, Farmer. Dec 1. Beaumont and Son, Coggleshall

LYSTER, SEPTIMUS, Essex, a Retired Lieutenant-Colonel. Nov 30. Trinders and Curtis-Hayward, Bishopsgate st, Within

MCGUFFIE, CATHERINE MARIA, Earl's Court rd, Kensington. Nov 9. Pierce, Liverpool

NASH, JAMES, Bedford row, Rent Collector. Oct 9. Talbot and Tasker, Bedford row.

NEWBERT, JOHN, Kingston-upon-Hull, Corn Factor. Feb 1. Middlemiss and Pearce, Hull

NORMAN, SERGEANT JOHN COOPER, Nice, France, M.D. Nov 10. Mustard, Furnival's inn

PICKUP, PICKUP, Tottington Lower End, Lancaster, Farmer. Nov 1. Grundy and Co, Bury

ROBERTSON, ARCHIBALD, Hertford, Lieut-Col. Nov 20. Sworder and Longmore, Hertford

SAUNDERS, ISABELLA, Grosvenor place, Margate. Nov 1. Boys, Margate

SHEPPARD, JOSEPH, Dalham, Suffolk, Yeoman. Nov 1. Salmon and Son, Bury St Edmunds

SIMONDS, EDMUND, Willingdon, Sussex, Gent. Oct 30. Bowker and Son, Winchester

STOKES, CHARLES SCOTT, Hollywood rd, Brompton, Esq. Dec 1. Pollard, King's Arms yd, Moorgate st

WALKER, MARY WATERSON, Newbiggen-by-the-Sea, Northumberland. Nov 8. Chartres and Co, Newcastle-upon-Tyne

WATWOOD, THOMAS, Stafford, Gent. Nov 1. Spilsbury, Stafford

WEST, WILLIAM, Preston, Sussex, Gent. Nov 6. Hewitt and Alexander, Ely pl, Holborn

WILLIS, ANN MARY, Wellington st, South Shields. Oct 8. Mabane and Graham, South Shields

[*Gazette*, Sept. 28.]

AGNEW, JAMES, Cheltenham, Esq. Oct 30. Withall, Bedford row

AITKEN, MARGARET, Strathkinniss, Fife. Nov 12. Ewbank and Partington, South sq, Gray's inn

BARROW, GEORGE MARTIN, Writtle, Essex, Clerk in Holy Orders. Oct 21. Scarlett and Suttbery, Chelmsford

BRADLEY, CAROLINE AMELIA ELIZABETH, Sutton, Surrey. Nov 5. Taylor and Co, Great James st, Bedford row

BROOKS JOHN, Beaconsfield, Buckingham, Retired Farmer. Nov 12. Cheese, Amersham

COX, JOHN, Bristol, Gent. Nov 1. Pitt, Bristol

DENBY, MARTHA HARGREAVES, Burley, Otley, York. Nov 1. Tennant and Barrett, Leeds

EARS, THOMAS, Horsington, Somerset, Gent. Oct 30. Johns and Traill, Blandford

FILMER, ALFRED, Sheerness, Butcher. Nov 27. Greathead, Rochester

HOBBES, ROBERT HIORNE, Stratford-upon-Avon, Gent. Oct 23. Hobbes and Co, Stratford-upon-Avon

HODGE, GEORGE WILLIAM, Newcastle-upon-Tyne, Solicitor. Nov 30. Hodge and Westmacott, Newcastle-upon-Tyne

HODGSON, ELLEN PARKER, Moorcambe, Lancaster. Oct 29. Sharp and Son, Lancaster

JUDSON, WILLIAM, St. Phillip's terrace, Kensington. Oct 21. Tatton, Kensington

KAY, JAMES, Elton, Bury, Lancaster, Gent. Nov 8. Grundy and Co, Bury

LONGSTAFF, MARY, Sunderland, Durham. Nov 23. Hines and Son, Sunderland

PRIEST, MARIA, Heigham, Norwich. Nov 8. Winter and Francis, Norwich

RAVENSCROFT, JOHN, Wharton, Chester, Labourer. Nov 1. Fletcher, Northwich

SCHOFIELD, HENRY, Wilmslow, Chester, Gent. Nov 6. Leigh Manchester

SISSISON, MARY FRANCES, Kingston-upon-Hull. Feb 1. Middlemiss and Pearce, Hull

SMITH, MARTHA BOWDON, Southampton. Nov 1. Green and Moberly, Southampton

SMITH, TILDEN, Knelle, Sussex, Gent. Nov 30. Butler, Rye

SPEEDY, GEORGE RICHARD, Lauderdale rd, Maida vale, Gent. Nov 14. Layton and Co, Budge row, Cannon st

TONE, JOHN CARR, Sunderland, Durham, Contractor. Nov 23. Kidson and Co, Sunderland

WADSWORTH, WILLIAM, Offord Darcy, Huntingdon, Gent. Nov 1. Hunnybun and Sons, Huntingdon
WAGSTAFF, FRANCIS, Pershore, Worcester, Gent. Oct 30. Wagstaff, Pershore
WILSON, THOMAS, Fosdyke, Lincoln, Cordwainer. Oct. Dyer, Boston

[*Gazette*, Oct. 1.]

BACON, CHARLES FREDERICK, Ipswich, Plumber. Nov 6. Jackman and Sons, Ipswich
BENSON, SAMUEL, Biggleswade, Bedford, Bricklayer. Nov 20. Chapman, Biggleswade
BEACH, ROBERT, Steyning, Sussex, Woolstapler. Nov 23. Woods and Dempster, Ship st, Brighton
BULMER, ELIZABETH, Belle Vue, nr Wakefield. Dec 1. Dixons and Horne, Wakefield
CALCRAFT, JOHN HALES, Rempstone Hall, Dorset. Nov 20. Walker, New sq, Lincoln's inn
CLOUGH, WILLIAM, South Shields, Durham, Gent. Nov 26. Purvis and Son, Shields
FIELD, JOHN, Warnford Court, Stock Broker. Dec 1. Wootton and Son, Finsbury circus
GREEN, ROBERT BALLINGTON, Chestnut st, Worcester, Gent. Nov 6. Lechmere-Pugh, Worcester
HALL, GEORGE DAVISON, South Shields, Durham, Builder. Nov 19. Purvis and Son, South Shields
HALL, WILLIAM, Horley, Oxford, Farmer. Dec 1. Fortescue and Sons, Banbury
HAMMOND, GEORGE, Stoke-next-Guildford, Gent. Dec 15. Roker, Godalming
HANKIN, HENRY JOHN, Leighton rd, Kentish Town, Gent. Nov 5. Smith and Son, Furnival's inn
HARGRAVE, JAMES, Chapel Allerton, Leeds, Builder. Dec 1. Middleton and Sons, Leeds
HAYWARD, MILLICENT GRACE, Nottingham. Oct 30. Burton and Co, Nottingham
HERBERT, JONAS TRAVERS, Studham, Beds. Nov 1. Day, Hemel Hempstead
HOLLOWAY, JOHN, Brixton rd, Gent. Nov 6. Scott, Coleman st
HOWKINS, JOHN, Sandy, Bedford, Retired Farmer. Nov 30. Smith, Sandy
HUGUENIN, AUGUSTE GASPARD, Guilford st, Russell sq, Gent. Nov 30. Brandon, Essex st, Strand
JACKSON, THOMAS BROOKE, Mortimer st, Cavendish sq, Gent. Nov 20. Baddeley and Sons, Leman st
JAMES, PHILIP HAUGHTON, Esq., Southwick pl, Hyde Park. Nov 20. Walker, New sq, Lincoln's inn
MALIN, ALICE, Southport, Lancaster. Nov 20. Sharp and Kirkconnel, Warrington
MCINTOSH, THOMAS, Salisbury, Wilts, Corn Merchant. Nov 13. Lee and Co, Salisbury
METCALFE, WILLIAM, Manningham, York, Draper. Nov 1. Clough, Cleckheaton
MONNY, FANNY ELIZABETH, Woodstock, Oxford. Nov 9. Eldridge and Stephenson, Hull
PICKERING, THOMAS, Great Driffield, York, Ironmonger. Dec 1. Foster and Co, Great Driffield
REES, JAMES, Camberwell rd, Gent. Nov 1. Ward, Lincoln's inn fields
RUSSEL, CATHARINE, Bromley, Kent. Oct 20. Roy and Cartwright, Lothbury
SCOTT, DALTON, Crystal Palace Park, Sydenham, Gent. Oct 30. Bridger, Botolph lane, Eastcheap
SIMPSON, PETER THOMAS, Kippax, York, Grocer. Dec 1. Middleton and Sons, Leeds
SMITH, ROBERT, Cropwell Bishop, Nottingham, Farmer. Nov 13. Burton and Co, Nottingham
THORNTON, EMILY, Ipswich. Nov 20. Daniel and Son, Ipswich
WARDMAN, GEORGE, North Rigton, York, Farmer. Dec 24. Siddall, Otley
WATSON, EDWARD, Sen., Herstmonceux, Sussex, Farmer. Nov 9. Blaker and Son, Lewes, Sussex

[*Gazette*, Oct. 5.]

Legal News.

The following notice has been issued by the Director of Criminal Investigations to convicts at large on licence and persons under sentence of police supervision:—"The conditions of liberty imposed by the law on convicts released on licence and persons under police supervision are—first, that they report themselves where directed within forty-eight hours after liberation; secondly, that they (women excepted) report themselves every month at the nearest police station to their place of abode, between the hours of nine in the morning and nine in the evening, on the day of the month named on the other side; thirdly, that they reside—that is, sleep—at the address notified to the police, in order that they may be at once found if required for any legal purpose; fourthly, that they get their living by honest means and regular employment; fifthly, that if they change their address, or leave any police district at all, they give notice of their removal at the police station at which they are reporting, and also at the nearest police-station within forty-eight hours of arriving in any other police district in any part of the United Kingdom; sixthly, that convicts at liberty produce their licences when called upon to do so by a police officer. So long as these requirements of the law are fulfilled, those subject to them will in no way be interfered with by the police, and all possible assistance, in conjunction with the several philanthropic societies, will be given to obtain honest employment. If they are in regular work, and state at the Convict Office, Great Scotland-yard, where evidence can be quietly found in support of their statements, no one will be informed by police of their position or antecedents; and similarly, if they are living in another name to that in which they have been convicted, the same should be notified to the above office. But if it is ascertained upon the strict inquiry which will be made periodically in every case, that there is the slightest infringement of any one of the conditions on which a convict on licence or person under police supervision is allowed his or her liberty, no effort will be spared to arrest him or her, and enforce the law, all constabulary forces co-operating to this end. The conditions of liberty entail no hardship on persons really wishing to lead an honest life. That convicts on licence and persons under supervision should do so is the aim of the police, and special circumstances will always be carefully considered by the Director of Criminal Investigations."

PUBLIC COMPANIES.

October 8, 1880.

GOVERNMENT FUNDS.

3 per Cent. Consols, 97⅞ xd	Annuities, April, '85, 9⅞
Ditto for Account, 97⅞ xd	Do. (Red Sea T.) Aug. 1908
Do. 3 per Cent. Reduced, 93½	Ex Bills, £1000, 2½ per Ct. 2 pm
New 3 per Cents., 96	Ditto, £500, Do, 2 pm
Do. 3½ per Cent., Jan. '94	Ditto, £100 & £200, 2 pm
Do. 2½ per Cent., Jan. '94	Bank of England Stock, 277½
Annuities Jan '80	Ditto for Account.

INDIAN GOVERNMENT SECURITIES.

Ind. Stk., 5 per C., July, '80, 104	Enf. Pr. 5½ per Cent., May, 81
Ditto for Account —	Ditto Debentures, 4 per Cent April, '64
Ditto 4 per Cent., Oct. '88, 103½	Do. Do., 5 per Cent., Aug. '73
Ditto, ditto, Certificates —	Do. Bonds, 4 per Cent. £1000
Ditto Enfaced Ppr., 4 per Cent.	Ditto, ditto, under £1000
2nd Enf. Pr., 5 per C., Jan. '72	

RAILWAY STOCK.

	Railways.	Paid.	Closing Price
Stock	Caledonian	100	110½
Stock	Glasgow and South-Western	100	106
Stock	Great Eastern Ordinary Stock	100	64⅞
Stock	Great Northern	100	122½
Stock	Do., A Stock*	100	126½
Stock	Great Southern and Western of Ireland	100	—
Stock	Great Western—Original	100	124½
Stock	Lancashire and Yorkshire	100	134
Stock	London, Brighton, and South Coast	100	163⅛
Stock	London, Chatham, and Dover	100	103½
Stock	London and North-Western	100	157⅝
Stock	London and South Western	100	138½
Stock	Manchester, Sheffield, and Lincoln	100	63⅜
Stock	Metropolitan	100	120⅝
Stock	Do., District	100	80
Stock	Midland	100	135⅝
Stock	North British	100	81⅜
Stock	North Eastern	100	165½
Stock	North London	100	180
Stock	North Staffordshire	100	87½
Stock	South Devon	100	—
Stock	South-Eastern	100	126

* A receives no dividend until 6 per cent. has been paid to B.

BIRTHS, MARRIAGES, AND DEATHS.

BIRTHS.

FREEMAN.—Oct 3, at Eugénie Villa, Ravenscourt-park, Hammersmith, the wife of G. D. Freeman, of 44, Bedford-row, solicitor, of a son.
MORRIS.—Oct. 3, at 34, Alexandra-road, Southport, the wife of Christoper Morris, of Liverpool, solicitor, of a daughter.
NEISON.—Oct. 3, at 93, Adelaide-road, South Hampstead, the wife of Francis G. P. Neison, barrister-at-law, of a daughter.

MARRIAGES.

HOPKINS—BUTLER.—Sept. 25, at St. George's, Hanover-square, Arthur Antwis Hopkins, M.A., of the Inner Temple, barrister-at-law, to Ada Blanche, daughter of the late Rev. James Butler, D.D., of Burnley, Lancashire.

MARTIN—MILLWARD, May 12, at St. Peter's, Wellington, New Zealand, Thomas Frederic Martin, of Christchurch (late of Gray's-inn, London), solicitor, to Jenny, daughter of William Henry Millward, recently of Liverpool.

MUGLISTON—DALY.—Sept. 29, at Croydon, Henry Boyes Mugliston, of the Middle Temple, barrister-at-law, to Fanny, daughter of the late Thomas Daly, Fairhill, Cork.

TODD—DOBBYN.—Sept. 30, at St. Andrew's, Thornhill-square, Robert Todd, solicitor, of London to Agnes Eugenie, daughter of William Dobbyn, of London.

DEATH.

GUEST.—Oct. 3, at the Warren, Mosseley, John Guest, late registrar of the Birmingham County Court, aged 70.

LONDON GAZETTES.

Bankrupts.

FRIDAY, Oct. 1, 1880.

Under the Bankruptcy Act, 1869.

Creditors must forward their proofs of debts to the Registrar.

To Surrender in London.

Hemming John Lamond, Woburn pl, Russell sq, M.D. Pet Sept 29. Brougham. Oct 12 at 12

To Surrender in the Country.

Beecroft, Mary Emma Sophia, Gt Yarmouth, Lodging house keeper. Pet Sept 28. Worlledge. Gt Yarmouth; Oct 13 at 11

Davies, Henry Myrddin, Ffynongog, Carmarthen, Auctioneer. Pet Sept 27. Lloyd. Carmarthen, Oct 18 at 2

Haward, Walter Robertson, Ashleigh, Whitchurch, Devon, Manganese Merchant. Pet Sept 28. Edmonds. East Stonehouse, Oct 14 at 12

Lochhead, William, Lightcliffe, York, Designer. Pet Sept 28. Rankin. Halifax, Oct 25 at 11

Preston, David, Nottingham, Builder. Pet Sept 28. Speed. Nottingham, Oct 12 at 11

Turner, Thomas, Stockport, Chester, Waggon Builder. Pet Sept 27. Hyde. Stockport, Oct 14 at 11

TUESDAY, Oct. 5, 1880.

Under the Bankruptcy Act, 1869.

Creditors must forward their proofs of debts to the Registrar.

To Surrender in London.

Planque, Emile, Jewry st, General Merchant. Pet Oct 2. Brougham. Oct 20 at 12.30

Vowler, John Henry Walcot, Gracechurch st, Iron Manufacturer. Pet Oct 4. Brougham. Oct 19 at 11

Williams, John Worthy, Cheapside, Public Accountant. Pet Oct 2. Brougham. Oct 20 at 12

To Surrender in the Country.

Milson, James, New Denham, Bucks, Baker. Pet Sept 30. Darvill. Windsor, Oct 23 at 11

Swayne, Sophia, Marlborough rd, Gunnersbury. Pet Sept 28. Ruston. Brentford, Oct 26 at 3

Tyas, Thomas, Manchester, Wholesale Fruiterer. Pet Sept 25. Lister. Manchester, Oct 21 at 12

BANKRUPTCIES ANNULLED.

FRIDAY, Oct. 1, 1880.

Esher, William, Attercliffe, nr Sheffield, Butcher. Sept 22

Livingstone, William, Morecambe, Lancaster, Toy Dealer. Sept 28

TUESDAY, Oct. 5, 1880.

Espir, Camile, Cambridge gdns, Notting hill, Gent, Oct 4

Liquidations by Arrangement.

FIRST MEETINGS OF CREDITORS.

FRIDAY, Oct. 1, 1880.

Adams, John, Winton, Bournemouth, Carpenter. Oct 13 at 2 at offices of Aldridge, Westover villas, Bournemouth

Allson, Elijah, Powis st, Woolwich. Shoemaker. Oct 8 at 10 at offices of Evans and Peacock, John st, Bedford row

Bailey, William, Manchester, Plumber. Oct 15 at 3 at offices of Hardings and Co, Princess st, Manchester

Baker, Charles Montague, Hermitage villas, Highgate, Commercial Traveller. Oct 20 at 11 at offices of Harris, Wormwood st

Bell, Robert, Wolverhampton, Drysalter. Oct 14 at 3 at offices of Willcock, Queen's chambers, North st, Wolverhampton

Berry, Frank Edward, Ashley, Northampton, Grazier. Oct 19 at 11 at offices of Wartnaby and Gilbert, Market Harborough. Haxby, Leicester

Bilton, Frederick, and Francis Bilton, Kingston-upon-Hull, Joiners. Oct 19 at 3 at offices of Martinson, Exchange buildings, Bowlalley lane, Kingston-upon-Hull

Birch, William, Liverpool, Horse Dealer. Oct 16 at 11 at offices of Lowe, Mount Pleasant, Liverpool

Bishop, William Alfred, and Charles Frederic Bishop, Bradford, Grocers. Oct 15 at 3 at offices of Atkinson and Wilson, Tyrrell st, Bradford

Blakey, Henry, and Thomas Edward Blakey, Wakefield, Soda Water Manufacturers. Oct 13 at 3 at offices of Lodge, Townhall chambers, King st, Wakefield

Bonney, Edward Dixon, Bowness, Westmoreland, Plumbers. Oct 15 at 2.30 at the Queen's Hotel, Windermere. Gatey, Ambleside

Botten, Charles, Colchester, Watchmaker. Oct 15 at 12 at offices of Prior, Head st, Colchester

Botwright, Richard, Leyton, Essex, Cheesemonger. Oct 25 at 3 at Guildhall tavern, Gresham st. Hopkins, Finsbury pavement

Bowley, Amos, Beeston, Nottingham, Ironmonger. Oct 19 at 3 at Assembly Rooms, Low pavement. Cranch and Stroud, Nottingham

Boxall, Alfred, Ewhurst, Surrey, Farm Bailiff. Oct 20 at 3.15 at Bedford Hotel, Horsham

Brayford, James, Hanley, Stafford, out of business. Oct 11 at 11 at offices of Stevenson, Cheapside, Hanley

Bumberry, Joseph, Pond sq, Highgate, Builder. Oct 14 at 3 at offices of Boulton and Co, Northampton sq, Clerkenwell

Burrey, James Jones, Shrewsbury, Salop, Cabinet Maker. Oct 14 at 12 at George Hotel, Shrewsbury. Craig, Shrewsbury

Burtwell, John, Kingsland rd, Plumber. Oct 18 at 3 at offices of Funston, Finsbury pavement

Carmona, Bernard, Crystal Palace, Sydenham, Dealer in Oriental Goods. Oct 22 at 2 at offices of Brighten and Co, Bishopsgate st Without

Charles, Noah, Derby, Greengrocer. Oct 14 at 3 at offices of Hextall, Full st, Derby

Child, James Joseph, and William John Hinde, Deptford Lower rd, Bedroom Furniture Manufacturers. Oct 21 at 2 at offices of Hudson and Co, Bucklersbury

Clough, John Lister, North Bierley, Bradford, Clerk. Oct 15 at 11 at offices of Mumford, Yorkshire Bank chambers, Bank st, Bradford

Clough, Thomas Woodhead Lister, Oakenshaw, York, Worsted Spinner. Oct 15 at 12 at offices of Mumford, Yorkshire Bank chambers, Bank st, Bradford

Cooper, James, Huddersfield, out of business. Oct 18 at 12 at Cherry Tree Hotel, Westgate, Huddersfield. Berry

Cox, Elijah, Mountsorrel, Leicester, Licensed Victualler. Oct 19 at 3 at offices of Buckby, Millstone lane, Leicester

Darley, Edmund, Nelson, nr Burnley, Wine Merchant. Oct 21 at 3 at Exchange Hotel, Nicholas st, Burnley. Hartley, Burnley

Davies, David Francis, Llanddewi Brefi, Cardigan, Boot Maker. Oct 15 at 12 at offices of Edwardes, Lampeter

Dewar, Robert, Gosforth, Northumberland, Chemist. Oct 13 at 2 at offices of Rhagg, Grainger st, Newcastle-upon-Tyne

Duffy, Bernard, Old Kent rd, Confectioner. Oct 15 at 10 at offices of Cooke, Gray's inn sq

Dukes, William, jun, Hereford, Licensed Victualler. Oct 14 at 11 at offices of Scobie, Offa st, Hereford

Easton, Joseph, Rotherham, York, Plumber. Oct 13 at 3 at offices of Webster and Styring, Hartshead, Sheffield

Ede, George Steer, Worthing, Sussex, Dairyman. Oct 23 at 2 at 5, Brunswick ter, Chapel rd, Worthing

Ellis, Thomas, Upper Thames st, Eating-house keeper. Oct 21 at 3 at offices of Crook, Fenchurch st

Evans, William John, Powis st, Woolwich, Bookseller. Oct 23 at 3 at offices of Richardson, Powis st, Woolwich

Fleming, George, Hulme, Manchester, Painter. Oct 11 at 3 at offices of Hill, St Ann's sq, Manchester

Fletcher, Richard, and John Wright, Wakefield, Linen Drapers. Oct 12 at 3 at offices of Barratt and Senior, Wood st, Wakefield

Foster, Richard John, Haughton, Lancaster, Painter. Oct 18 at 3 at Clarence Hotel, Piccadilly, Manchester. Harris, Manchester

Fowke, Peter, Rye lane, Peckham, out of business. Oct 8 at 4 at Gardon Arms Tavern, High Holborn. Staniland, North rd, Highgate

Fox, Henry, Attercliffe, Sheffield, Warehouseman. Oct 14 at 11 at offices of Tasker and Shuttleworth, Wharncliffe chambers, Bank st, Sheffield

French, Thomas, Lansdowne rd, Hackney, Boot Manufacturer. Oct 9 at 12 at Unicorn Tavern, Vivian rd, Old Ford. Hicks, Grove rd, Victoria rd

Furness, John, Ogden, nr Rochdale, Innkeeper. Oct 14 at 3 at offices of Whitehead, Toad lane, Rochdale

Garside, Henry, Congleton, Chester, Hat Trimming Manufacturer. Oct 14 at 11 at the Old Cheshire Cheese inn, High st, Congleton

Gibbings, George, Exeter, Tobacconist. Oct 18 at 12 at offices of Joseph, Finsbury pavement

Gray, Thomas May, Great Grimsby, Fish Merchant. Oct 13 at 11 at St Mary chambers, West St Mary's gate, Great Grimsby. Grange and Wintringham

Green, Herbert, Kingswinford, Stafford, Painter. Oct 15 at 12 at offices of Higgs, Bennett's hill, Birmingham

Harrop, Thomas, Mexbrough, York, Timber Merchant. Oct 14 at 3 at the Cutler's Hall, Sheffield, Burdekin and Co

Hendrick, James, Elsecar, York, Stone Mason. Oct 18 at 3 at offices of Gray, Eastgate, Barnsley

Heslop, William, Lisson grove, Watchmaker. Oct 18 at 3 at offices of Davie, New inn, Strand

Higgs, William, Bedminster, Bristol, out of business. Oct 9 at 12 at offices of Andrews, Nicholas st, Bristol. Fayre, Bristol

Humphrey, William, Dudley, Worcester, Plumber. Oct 14 at 3 at offices of Burn and Co, Wolverhampton st, Dudley

Huttall, John, Bury, Lancaster, Draper. Oct 13 at 3 at offices of Grundy and Co, Union st, Bury

Ibbs, Robert Giles, Littlehampton, Sussex, Schoolmaster. Oct 25 at 3 at offices of Pattison and Co, Queen Victoria st

Jaques, William Henry, Snowsfields, Bermondsey, Grocer. Oct 15 at 3 at offices of Scott and Barham, King st, Cheapside

Jarvis, William Giles, Pratt st, Camden Town, out of business. Oct 11 at 12 at Unicorn Tavern, Vivian rd, Old Ford. Hicks, Grove rd, Victoria Park

Jones, Benjamin, Abergavenny, Tailor. Oct 16 at 3 at offices of Browne, Lion st, Abergavenny

Jones, Henry Schreb, Hockley, Warwick, Boot and Shoe Maker. Oct 13 at 3 at offices of Johnson and Co, Waterloo st, Birmingham

Kedwards, Charles, Broadway, Worcester, Grocer. Oct 20 at 11 at Crown Hotel, Evesham. Eades and Son, the Abbey, Evesham

Lane, Thomas Jelf, Gloucester, Mercer. Oct 13 at 12 at offices of Potter, Northfield house, Cheltenham

Lee, Thomas Henry, Leeds, Tailor. Oct 13 at 3 at offices of Jackson, Albion st, Leeds

Lloyd, John, Priory mews, Kilburn, Stone Merchant. Oct 18 at 2 at offices of Tilley and Soames, Finsbury pavement
Loughorn, Alfred, Cottingham, York, Cowkeeper. Oct 5 at 2 at Queen's Hotel, Charlotte st, Kingston-upon-Hull
Lumb, Elizabeth, Bradford, York, Grocer. Oct 13 at 3 at Creditors' Association, Godwin st, Bradford
Mackinlay, William, Great Northern Railway, King's Cross, Coal Merchant. Oct 21 at 2 at offices of Thornton and Co, Finsbury pavement. Redman De Boos, St Swithin's lane
Matthews, Henry William, Wordsley, Stafford, Glass Cutter. Oct 15 at 11 at offices of Addison, High st, Brierley Hill
McKennell, James Farrer, Mirfield, York, Plumber. Oct 20 at 3 at the Black Bull Hotel, Mirfield. Wilson, Mirfield
Mellor, Thomas, Hanley, Stafford, Coach Builder. Oct 15 at 11 at the Royal Hotel, Crewe. Ashmall, Hanley
Merrick, Alfred Benjamin, Redland, Bristol, Builder. Oct 18 at 2 at offices of Tribe and Co, Albion chambers, Small st, Bristol. Fussell and Co, Bristol
Miles, John, Margate, Kent, Solicitor's Clerk. Oct 16 at 4 at offices of Parry, Union row, Margate
Mitchell, Joseph, Keighley, York, Tinner. Oct 15 at 3 at offices of Robinson, Cook lane, Keighley
Morrow, James, Birmingham, Tin Plate Worker. Oct 13 at 11 at the Queen's Hotel, Birmingham. Rowlands
Mottram, John, Longton, Stafford, Licensed Victualler. Oct 11 at 11 at offices of Welch, Caroline st, Longton
Mountford, George, Birmingham, Tripe Dresser. Oct 13 at 3 at offices of Fallows, Cherry st, Birmingham
Murray, James, Ashton-under-Lyne, Grocer. Oct 18 at 3 at the Commercial Hotel, Old st, Ashton-under-Lyne. Addleshaw and Warburton, Manchester
Noble, William, Nottingham, Draper. Oct 18 at 3 at offices of Fraser, Brougham chambers, Wheeler gate, Nottingham
Nock, Silas, Blackheath, Stafford, Grocer. Oct 12 at 3 at offices of Stokes and Harper, Priory st, Dudley
Nuttall, John, Bestwood, Nottingham, Farmer. Oct 14 at 11 at offices of Williams, jun, Clinton st, Nottingham
Oakley, Samuel, Aston-juxta-Birmingham, Boot Maker. Oct 16 at 10.30 at offices of James, Temple st, Birmingham
Oldham, John, Darlington, Durham, Hatter. Oct 15 at 11 at 36, Priestgate, Darlington. Wooler
Parker, William, Blackstock road, Highbury, Boot Maker. Oct 23 at 12 at offices of Liggins, Berners st, Oxford st
Parsons, Thomas, Monk's Kirkby, Warwick, Farmer. Oct 20 at 3 at offices of Toller and Sons, Wickliffe st, Leicester
Pearson, William, Brewood, Stafford, Schoolmaster. Oct 15 at 3 at offices of Rhodes, Queen st, Woverhampton
Peel, John, Derby, Fruiterer. Oct 19 at 11 at offices of Heath, Amen alley, Derby
Phelps, Frederick Samuel, Market st, Clerkenwell, Warehouseman. Oct 16 at 11 at offices of Cooper and Rees, Broad st buildings, Liverpool st
Phillips, Thomas, South Stoke, Somerset, Grocer. Oct 8 at 3 at offices of Tyzack, York st, Bath
Sandiford, James, Birmingham, Licensed Victualler. Oct 13 at 2 at offices of Coleman and Co, Colmore row, Birmingham
Shovelton, James, Manchester, Accountant. Oct 15 at 11 at offices of Hargreaves, Dickinson st, Manchester
Slatem, Robert, Rhyl, Flint, Jeweller. Oct 15 at 1 at the Mitre Hotel, Cathedral gates, Manchester. Roberts, Rhyl
Smith, James, Nottingham, Draper. Oct 15 at 11 at offices of Black, Low pavement, Nottingham
Southerwood, Joseph, King's road, Chelsea, Coach Builder. Oct 12 at 3 at offices of Fowler, Borough High st, Southwark
Stanley, William Morton, Esher, Fish Hook Manufacturer. Oct 11 at 3 at offices of Ley and Brocklesby, Water lane, Great Tower st
Tarry, George, Northampton, Beerhouse Keeper. Oct 26 at 3 at offices of Walker, Market sq, Northampton
Taylor, William John, and James Pigdon Taylor, Newcastle-upon-Tyne, Ship Brokers. Oct 14 at 2 at offices of Gillespie and Co, Westgate road, Newcastle-upon-Tyne. Watson and Dendy, Newcastle-upon-Tyne
Thorne, Richard, Bath, Baker. Oct 14 at 3 at offices of Clark, Union st, Bath
Todd, John, Tuxford, Nottingham, Boot Maker. Oct 25 at 11 at offices of Bescoby, Grove st, East Retford
Townsend, William, Flaxman road, Brixton, out of business. Oct 8 at 11 at offices of Best, Essex st, Strand
Trick, John, Chagford, Devon, Draper. Oct 12 at 11 at the Magor's Commercial, Hotel, Newton Abbot. Mogridge, Moreton Hampstead
Turner, David, Stretford, Lancaster, Joiner. Oct 23 at 11 at offices of Whit, King st, Manchester. Rawes, Salford
Warburton, Samuel, Huddersfield, out of business. Oct 14 at 3 at offices of Ainley and Hall, New st, Huddersfield
Warren, David, Blaby, Leicester, no occupation. Oct 20 at 3 at Bell Hotel, Humberstone gate, Leicester. Close, Derby
Watchorn, James, Plungar, Leicester, Farmer. Oct 15 at 4 at offices of Elborne, Brougham chmbrs, Wheeler gate, Nottingham
Watkins, Thomas, Birmingham, out of business. Oct 11 at 12 at offices of Free, Temple row, Birmingham
Williams, Anthony, jun, Farnham, Fishmonger. Oct 20 at 12 at Auction Mart, Tokenhouse yd, Potter, Farnham
Williams, William, St. Ives, Cornwall, Ship Builder. Oct 14 at 12 at offices of Tresidder, Shute st, St Ives

TUESDAY, Oct. 5, 1880.

Adams, James, Capel St Mary, Suffolk, Farmer. Oct 18 at 12 at Pearce's rooms, Princes st, Ipswich. Birkett and Bantoft
Andrew, Leyshon, Swansea, Brewer. Oct 14 at 12 at offices of Harvey, Fisher st, Swansea. Brothers, Neath
Appleby, George Thomas, Kingston-upon-Hull, Chemist. Oct 16 at 12 at White Hart Hotel, Silver st, Kingston-upon-Hull
Barbosa, Francis, Liverpool, Naturalist. Oct 18 at 3 at offices of Fenlon, Dale st, Liverpool
Barnard, James, Milton-next-Sittingbourne, Kent, Miller. Oct 20 at 11 at offices of Gibson, High st, Sittingbourne
Bellis, Charles, Hale, nr Altrincham, Chester, Farmer. Oct 25 at 3 at offices of Davies and Co, Market pl, Warrington
Blackmore, Humphrep James, Cullompton, Devon, Dairyman. Oct 14 at 2 at offices of Andrew, Bedford circus, Exeter
Bond, Henry, Worcester, Confectioner. Oct 16 at 11 at offices of Tree and Son, High st, Worcester
Booer, William Joseph, Leeds, out of business. Oct 18 at 12 at offices of Lowrey, South parade, Leeds. Malcolm, Leeds
Boyle, Charles, Cheltenham, Wood Dealer. Oct 21 at 3 at offices of Prueu, Regent st, Cheltenham
Boundy, William, Leadenhall st, Metal Broker. Oct 21 at 3 at offices of Foster, Birchin lane
Boyd, William, jun, Walker, Northumberland, Builder. Oct 15 at 3 at offices of Clark, Grainger st, Newcastle-upon-Tyne
Briggs, Charles, Tamworth, Stafford, Paper Manufacturer. Oct 27 at 3 at offices of Laundy and Co, Waterloo st, Birmingham. Nevill and Atkins, Tamworth
Brighouse, George, Huddersfield, Painter. Oct 20 at 3 at offices of Brook and Co, New st, Hudderafield
Brooksbank, William, Barmby-on-the-Marsh, York, Farmer. Oct 15 at 3 at offices of Hind and Everatt, Goole
Brown, Samuel, Great Yarmouth, Smack Owner. Oct 25 at 11 at offices of Rayson, Regent st, Great Yarmouth
Browne, William Paynter Barton, Ludgate hill, Solicitor. Oct 20 at 2 at offices of Lee, Gresham bldgs, Basinghall st
Browning, James, Apethorp, Northampton, Farmer. Oct 22 at 12 at Talbot Inn, Oundle. Atter and Brown, Peterborough
Brownlees, John Quibell, and Margaret Katherine Brownlees, Hemel Hempstead, Hertford, Nurserymen. Oct 20 at 11.30 at offices of Bullock and Penny, Great Berkhampstead
Chamberlain, William Henry, Wells, Somerset, Saddler. Oct 16 at 12 at offices of Hobbs, Chamberlain st, Wells
Chambers, John, Birmingham, Coal Dealer. Oct 15 at 3 at offices of of Wilson, Temple row, Birmingham
Christian, Thomas Murray, and James Henry Christian, Hoylake, Chester. Oct 21 at 3 at offices of Bleckley and Downham, Hamilton sq, Birkenhead
Conisbee, William, and Thomas Samuel Conisbee, Waterloo rd, Iron Founders. Oct 29 at 3 at offices of Dubois, Serjeant's inn, Chancery lane. Levy, Surrey st, Strand
Crane, David, Birmingham, Tailor. Oct 15 at 3 at offices of Wright and Marshall, New st, Birmingham
Craven, John, Wigan, Tea Dealer. Oct 18 at 3 at Minorca Hotel, Wallgate, Wigan. Wood, Wigan
Craven, Joseph, Bradford, Tobacconist. Oct 14 at 1 at offices of Wright, Darley st, Bradford
Davies, William, Garreg, Carmarthen, Farmer. Oct 16 at 12 at offices of Edwardes, Lampeter
Debney, Charles, Offord rd, Barnsbury, General Dealer, Oct 16 at 12 at offices of Young and Son, Mark lane
Dickinson, John, Darlington, Grocer. Oct 14 at 11 at offices of Robinson, Chancery lane, Darlington
Donkersley, George Henry Oldfield, Huddersfield, Coachbuilder. Oct 18 at 2 at offices of Armitage, Lord st, Huddersfield
Durber, Elias, Audley, Stafford, Grocer. Oct 20 at 11 at offices of Local Board, Audley. Sherratt
Eaton, Henry, Gravenhunger, Salop, Miller. Oct 16 at 12 at offices of James, Nelson sq, Newcastle-under-Lyme
Emmott, Margaret, Cheetham hill, Manchester, Provision Dealer. Oct 20 at 3 at offices of Rigg, South King st, Manchester
Fear, Robert, Mark, Somerset, Farmer. Oct 26 at 12 at offices of Reed and Cook, King's sq, Bridgewater
Filby, Richard, Swansea, Grocer. Oct 13 at 3 at offices of Evans and Davies, Wind st, Swansea
Fish, David, Dewsbury, Auctioneer. Oct 15 at 2 at offices of Scholes and Son, Leeds rd, Dewsbury
Garrett, William Sutton, Arlington rd, Surbiton, Wine Merchant. Oct 19 at 11 at offices of Best, New bridge st
Gibson, James, Leeds, Grocer. Oct 15 at 3 at offices of Creditors Association, 32, Park row. Leeds
Gilbert, Mary Jane, Heaton, Lancashire, Licensed Victualler. Oct 18 at 3 at offices of Rutter and Finney, Mawdsley st, Bolton
Grove, Alfred, Salford, Lancashire, Grocer. Oct 13 at 11 at Blackfriars Hotel, Blackfriars st, Manchester. Barron, Manchester
Hickson, Charles, Bootle, nr Liverpool, Baker. Oct 22 at 3 at offices of Lowe, Mount pleasant, Liverpool
Hides, William, Wisbech st Peter, Cambridge, Licensed Victualler. Oct 18 at 2 at Ship Inn, Market pl, Wisbech st Peter. Webber, Upwell
Hoffen, George Saxton, Scarborough, Baker. Oct 20 at 12 at offices of Jennings and Co, Great Driffield
Hooke, Edward, Nuneaton, Warwick, Licensed Victualler. Oct 14 at 12 at offices of Smith, Temple st, Birmingham
Humphreys, David, Towyn, Merioneth, Coal Merchant. Oct 16 at 12 at offices of Hughes and Sons, Pier st, Aberystwith
Huskins, George, Wilmcote, Warwick, Greengrocer. Oct 18 at 3 at offices of Fallows, Cherry st, Birmingham
Hyde, Tom, Handcroft rd, Croydon, Plumber. Oct 15 at 11 at Green Dragon Hotel, High st, Croydon. Dennis, Croydon
Jackson, Josiah, and Harriet Jackson, Croydon, Cambridge, Farmers. Oct 21 at 11 at the Bull Hotel, Royston. Nash
Jones, Alfred, Leighton Buzzard, Bedford, Grocer. Oct 13 at 3 at the Swan Hotel, Leighton Buzzard. Willis, Leighton Buzzard
Jones, Susan Ann, Wrexham, Denbigh, Draper. Oct 22 at 3 at offices of Jones, Henblas st, Wrexham
Jones, William, Llanor, Carmarthen, Farmer. Oct 19 at 11 at offices of Howell, Stepney st, Llanelly
Keer, John, Charsfield, Suffolk, Farmer. Oct 29 at 3 at offices of Wood, Woodbridge
Kilby, John Henry, Coventry, Solicitor. Oct 14 at 1.30 at the Craven Arms Hotel, Coventry
Knight, Walter, Nottingham, Joiner. Oct 16 at 12 at offices of Williams, jun, Clinton st, Nottingham
Lewis, Thomas, and Richard Staples, Thames Ditton, Surrey, Market Gardeners. Oct 21 at 4 at offices of Cann, Vine rd, East Moseley. Cann, jun, Fenchurch st
Longstaff, George, Craven rd, Paddington, Boot and Shoe Manufacturer. Oct 25 at 3 at offices of Wright and Law, High Holborn
Marks, Isaac, Westminster Bridge rd, Dealer in Fancy Goods. Oct 25 at 3 at offices of Podmore and Harte, Moorgate st

Marriott, John, Buckingham, Hay Dealer. Oct 23 at 11 at the White Hart Hotel, Buckingham. Weston and Barnes
Marshall, William, and John Castle, Leicester, Stone Masons. Oct 20 at 3 at offices of Hincks, Bowling Green st, Leicester
Matthews, Albert, Newport, Monmouth, Publican. Oct 18 at 11 at offices of Parker, Commercial st, Newport
McLaughlin, John, Birmingham, Commission Merchant. Oct 15 at 3 at offices of Jaques, Temple row, Birmingham
Moores, David, Manchester, Cigar Dealer. Oct 25 at 3 at offices of Bowden, King st, Manchester
Morgan, Magdalene, Llanguicke, Glamorgan. Grocer. Oct 21 at 12 at offices of Kempthorne and Son, Dyffryn chbrs, Neath
Mutteen, Joseph Holten, Moss Side. Lancaster, Auctioneer. Oct 14 at 3 at the Blackfriars Hotel, Blackfriars st, Manchester. Hill, Manchester
Newell, John, Calverley, York, Woollen Draper. Oct 18 at 3 at offices of Singleton, Booth st, Bradford
O'Brien, Michael, Bridgwater, Somerset, Fishmonger. Oct 22 at 11 at offices of Reed and Cook, King's sq, Bridgwater
Osborne, Joseph, Hounslow, Master Bootmaker to the 11th Hussars. Oct 25 at 3 at offices of Mirams, New inn, Strand
Owen, James, Wigan, Lancaster, Provision Dealer. Oct 19 at 3 at offices of France, Churchgate, Wigan
Palmer, Edmund, Perham rd, West Kensington, Gentleman. Oct 25 at 3 at offices of Foster and Co, Copthall bldgs. Miller and Vernon, Moorgate st
Pamphilon, John, jun, Whittlesford, Cambridge, Implement Manufacturer. Oct 26 at 2 at offices of Grain, Mill lane, Cambridge
Park, Thomas Rees, Llanelly, Carmarthen, Tailor. Oct 19 at 3 a offices of Howell, Stepney st, Llanelly t
Paxton, Henry, Hanley, Stafford, Builder. Oct 16 at 10 at offices of Ashmall, Albion st. Hanley
Pilgrim, Edward, Saint Grogory, Norwich, Brush Manufacturer. Oct 18 at 12 at offices of Daly, Guildhall chambers, Upper Market
Procter, Alfred Brooke, Solihull, Warwick, Veterinary Surgeon. Oct 19 at 3 at offices of Fallows, Cherry st, Birmingham
Pugh, Thomas, Clungford, Salop, Butcher. Oct 19 at 1 at the Kangaroo Inn, Aston-on-Clun, Newill, Bishop's Castle
Scamell, William Henry Tilbury, Wherwell, Southampton, Farmer. Oct 14 at 3 at the White Hart Hotel, Andover. Lee and Co, Salisbury
Shelmerdine, Joseph Hill, Rusholme, Lancaster, Licensed Beer Retailer. Oct 25 at 3 at offices of Withington and Co, Spring gardens, Manchester
Shepherd, Arthur Ernest, Cleckheaton, York, Innkeeper. Oct 13 at 3 at offices of Singleton, New Booth st, Bradford
Simmonds, George, Southampton, Fish Salesman. Oct 18 at 3 at offices of Bell, Portland st, Southampton
Simpson, John, Accrington, Lancaster, Grocer. Oct 27 at 3 at offices of Barlow, Dutton st, Accrington
Smith, Henry, Kirkgate, Wakefield, Tailor. Oct 15 at 11 at offices of Lake and Lake, Southgate, Wakefield
Smith, John, Barrowby, Lincoln, Farmer. Oct 20 at 12 at offices of Thompson and Sons, Grantham
Smith, Martha, Fenton, Stafford, Grocer. Oct 13 at 11 at offices of Welch, Caroline st, Longton
Stevenson, Benjamin, and Trees Stevenson, Leeds, Joiners. Oct 15 at 3 at offices of Craven, East parade, Leeds
Stevenson, Robert Edward, Chippenham terrace, Paddington, Grocer. Oct 12 at 3 at offices of Scott Fox, St Mary's sq, Paddington
Swales, Henry, Pendleton, Lancaster, Brewer. Oct 21 at 3 at offices of Grundy and Co, Booth st, Manchester
Taylor, Henry, Bolton, Lancaster, Frass Founder. Oct 20 at 3 at offices of Taylor and Sons, Mawdsley st, Bolton
Venner, Edward Charles Morgan, and Frederick James Cecil Venner, Totterdown, Somerset, Grocers. Oct 13 at 12 at offices of Essery Guildhall, Broad st. Bristol
Vine, Samuel, Portsea, Hants, Provision Merchant. Oct 22 at 2.30 at 145, Cheapside. King. Portsea
Ward, Thomas. Huddersfield, Tin Plate Worker. Oct 20 at 11 at offices of Dranfield, Ramsden st, Huddersfield
Watson, Trafford, Scopwick, Lincoln, Saddler. Oct 20 at 11 at offices of Toynbee and Co. Bank st, Lincoln
Wharton, Charles, Westgate, Heckmondwike. Oct 18 at the Royal Hotel, Cleckheaton. Curry, Cleckheaton
Wheeler, Henry, jun, Maidstone, Timber Merchant. Oct 15 at 11 at the Terminus Hotel, London Bridge. Stenning, Maidstone
Willstrop, Thomas, Bradford, York, Hay Dealer. Oct 15 at 5 at offices of Wright, Darley st, Bradford
Woods, Richard, Longridge, Lancaster, Joiner. Oct 19 at 11 at the County Court Offices, Winckley street, Preston. Parry, Preston